United Nations S/PV.4657

Security Council

Fifty-seventh year

Provisional

4657th meeting

Monday, 9 December 2002, 3 p.m.

New York

President:	Mr. Valdivieso	(Colombia)
Members:	Bulgaria	Mr. Tafrov
	Cameroon	Mr. Chungong Ayafor
	China	Mr. Wang Yingfan
	France	Mr. Duclos
	Guinea	Mr. Boubacar Diallo
	Ireland	Mr. Ryan
	Mauritius	Mr. Koonjul
	Mexico	Mr. Peralta
	Norway	Mr. Brattskar
	Russian Federation	Mr. Konuzin
	Singapore	Ms. Lee
	Syrian Arab Republic	Mr. Mekdad
	United Kingdom of Great Britain and Northern Ireland	Mr. Harrison
	United States of America	Ms. Connelly

Agenda

The situation in Angola.

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

02-72811 (E)

The meeting was called to order at 3.15 p.m.

Adoption of the agenda

The agenda was adopted.

The situation in Angola

The President (*spoke in Spanish*): I should like inform the Council that I have received a letter from the representative of Angola, in which he requests to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the discussion, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Gaspar Martins (Angola) took a seat at the Council table.

The President (*spoke in Spanish*): The Security Council will now begin its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council also have before them document S/2002/1331, which contains the text of a draft resolution prepared in the course of the Council's prior consultations.

It is my understanding that the Council is ready to proceed to the vote on the draft resolution before it. Unless I hear any objection, I shall put the draft resolution to the vote now.

There being no objection, it is so decided.

A vote was taken by show of hands.

In favour:

Bulgaria, Cameroon, China, Colombia, France, Guinea, Ireland, Mauritius, Mexico, Norway, Russian Federation, Singapore, Syrian Arab Republic, United Kingdom of Great Britain and Northern Ireland, United States of America

The President (*spoke in Spanish*): There were 15 votes in favour. The draft resolution has been adopted unanimously as resolution 1448 (2002).

The Security Council has thus concluded the present stage of its consideration of the item on its agenda. The Council will remain seized of the matter.

The meeting rose at 3.20 p.m.

United Nations S/PV.4658

Security Council

Distr.: General
9 December 2002

Original: English

Official communiqué of the 4658th (closed) meeting of the Security Council

Held in private at Headquarters, New York, on Monday, 9 December 2002, at 3.20 p.m.

In accordance with rule 55 of the provisional rules of procedure of the Security Council, the following communiqué was issued through the Secretary-General in place of a verbatim record:

"At its 4658th meeting, held in private on 9 December 2002, the Security Council considered the item entitled 'The situation in the Central African Republic'.

"The President, with the consent of the Council, invited the distinguished Prime Minister of the Central African Republic, His Excellency, Mr. Martin Ziguele, to participate in the discussion of the item without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

"The members of the Council and the Prime Minister of the Central African Republic had a constructive discussion."

02-72823 (E) 091202

United Nations S/PV.4659

Security Council

Distr.: General
9 December 2002

Original: English

Official communiqué of the 4659th (closed) meeting of the Security Council

Held in private at Headquarters, New York, on Monday, 9 December 2002, at 4.41 p.m.

In accordance with rule 55 of the provisional rules of procedure of the Security Council, the following communiqué was issued through the Secretary-General in place of a verbatim record:

"At its 4659th meeting, held in private on 9 December 2002, the Security Council considered the item entitled 'Letter dated 29 November 2002 from the Permanent Representative of Chad to the United Nations addressed to the President of the Security Council (S/2002/1317)'.

"The President, with the consent of the Council, invited the representative of Chad, at his request, to participate in the discussion of the item without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

"The members of the Council and the representative of Chad had a constructive discussion."

02-72887 (E) 091202

United Nations S/PV.4660

Security Council

Fifty-seventh year

Provisional

4660th meeting

Tuesday, 10 December 2002, 10 a.m.

New York

President:	Ms. Barco	(Colombia)
Members:	Bulgaria	Mr. Tafrov
	Cameroon	Mr. Tidjani
	China	Mr. Wang Yingfan
	France	Mr. De la Sablière
	Guinea	Mr. Traoré
	Ireland	Mr. Corr
	Mauritius	Mr. Jingree
	Mexico	Mr. Aguilar Zinser
	Norway	Mr. Helgesen
	Russian Federation	Mr. Karev
	Singapore	Ms. Lee
	Syrian Arab Republic	Mr. Mekdad
	United Kingdom of Great Britain and Northern Ireland	Sir Jeremy Greenstock
	United States of America	Mr. Cunningham

Agenda

Protection of civilians in armed conflict

Report of the Secretary-General to the Security Council on the protection of civilians in armed conflict (S/2002/1300).

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

02-72910 (E)

The meeting was called to order at 10.15 a.m.

Expression of welcome to the Deputy Minister for Foreign Affairs of Norway

The President (*spoke in Spanish*): At the outset of the meeting, I should like to acknowledge the presence at the Council table of the Deputy Minister for Foreign Affairs of Norway, His Excellency Mr. Vidar Helgesen. On behalf of the Council, I extend a warm welcome to him.

Adoption of the agenda

The agenda was adopted.

Protection of civilians in armed conflict

Report the Secretary-General on the protection of civilians in armed conflict (S/2002/1300)

The President (*spoke in Spanish*): I should like to inform the Council that I have received letters from the representatives of Argentina, Austria, Bangladesh, Burkina Faso, Cambodia, Canada, Chile, Denmark, Egypt, Indonesia, Israel, Japan, the Republic of Korea, Switzerland, Timor-Leste and Ukraine, in which they request to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the discussion without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Cappagli (Argentina), Mr. Pfanzelter (Austria), Mr. Chowdhury (Bangladesh), Mr. Kafando (Burkina Faso), Mr. Ouch (Cambodia), Mr. Heinbecker (Canada), Mr. Valdés (Chile), Ms. Løj (Denmark), Mr. Aboul Gheit (Egypt), Mr. Hidayat (Indonesia), Mr. Jacob (Israel), Mr. Yamamoto (Japan), Mr. Sun (Republic of Korea), Mr. Staehelin (Switzerland), Mr. Guterres (Timor-Leste) and Mr. Kuchinsky (Ukraine) took the seats reserved for them at the side of the Council Chamber.

The President (*spoke in Spanish*): In accordance with the understanding reached in the Council's prior consultations, and in the absence of objection, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Kenzo Oshima, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator.

It is so decided.

I invite Mr. Oshima to take a seat at the Council table.

In accordance with the understanding reached in the Council's prior consultations, and in the absence of objection, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Angelo Gnaedinger, Director-General of the International Committee of the Red Cross.

It is so decided.

I invite Mr. Gnaedinger to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/2002/1300, which contains the report of the Secretary-General on the protection of civilians in armed conflict.

For my country, Colombia, and for me personally it is a great honour to preside over the Security Council on this International Human Rights Day. Colombia's activities in the United Nations, and especially on the six occasions when we have been a member of the Council, have been undertaken in the context of the most profound respect for the purposes and principles expressly established in the Charter, as well as for the precepts and rules of international law. My country has defended multilateralism as a fundamental tool with which the international community can achieve a more balanced and just international order. In this context, Colombia upholds the principal of shared responsibility in the discussion of global issues such as the worldwide problems of illicit drugs, terrorism and illegal trafficking in arms, munitions and explosives.

Colombia firmly believes that concern for the defence of life, liberty and independence, the preservation of human values against the use of force and the need to preserve international peace and

security, which were the origin of the United Nations, remains equally valid today.

I wish to take this opportunity to express once again, on behalf of President Alvaro Uribe, our gratitude to the Secretary-General, for his leadership, and to the Organization for the work that they are doing in promoting a better future for our people, who have suffered as no other the violence arising from the worldwide problem of illicit drugs and the crimes connected with them.

I welcome the presence of the Secretary-General, Mr. Kofi Annan, and I give him the floor.

The Secretary-General: It is a pleasure to see you in New York, Madame President. I am very grateful to you for chairing this important meeting on how to strengthen the protection of civilians in armed conflict. This question is among the most urgent and most important for this Council and for the United Nations as a whole as we seek to address the effects of conflict around the world.

It is urgent because civilians account for the vast majority of victims of armed conflicts today. Millions of them are directly targeted, displaced from their homes, subject to appalling human rights abuses and denied assistance in times of war. It is urgent because we know that strengthening the protection of civilians is a key to achieving a sustainable peace. We are now in a position to learn from our experiences and take effective, practical measures to strengthen their protection. The question is whether we show the will and the determination to make protection an inescapable duty for all parties in conflicts.

I know that Colombia is a country in which the protection of civilians remains a key challenge. The civilian toll has been terrible, and its effects can be seen in every aspect of civil life in Colombia. But Colombia is not alone in facing that challenge. No part of the world has been immune from this scourge.

It is therefore fitting to have this discussion on Human Rights Day — a day on which we reaffirm our commitment to the Universal Declaration of Human Rights and seek new ways of strengthening respect for individual rights and freedoms. There exists an unambiguous linkage between improving the security of the individual person and securing and sustaining peace and preventing violent conflict.

The work of the Security Council on this issue over the past three years has provided us with an all-important conceptual framework. We need to continue this work in formulating new policies, especially in today's fast-changing environment. But what we need most of all is practical action and a clear path from policy to implementation.

We need to move forward and develop a more systematic approach to this issue. We need to build a solid structure through which analysis and policy and an awareness of best practices will translate immediately into practical action that makes a difference in people's lives. In my latest report I have tried to show ways in which that may be done, and to encourage the Council to move decisively towards practical implementation.

Since my last report eighteen months ago we have seen many important developments, including the beginnings of a real, if fragile, transition from war to peace in a number of long-standing conflicts. The transitions must be sustained. In many of them, greater emphasis on the protection of civilians may prove decisive.

The protection of civilians does not stop with a ceasefire, but must continue in the immediate post-conflict phase. Ensuring that they receive needed humanitarian assistance, ending and reversing forced displacement, tackling the scourge of landmines and small arms and beginning processes of justice and reconciliation: these are not only worthy efforts in themselves, but they are also the building blocks for peace and recovery.

I thank the members of the Council for their important work in this area. Success in this endeavour is essential to achieving the most fundamental aim of this Organization: to save succeeding generations from the scourge of war.

The President (*spoke in Spanish*): I thank the Secretary-General for his kind words addressed to me.

The first speaker on my list is Mr. Kenzo Oshima, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator.

Mr. Oshima: I am grateful for the opportunity to address the Council once again on the issue of the protection of civilians in armed conflict.

There could be no more appropriate occasion to review the progress we have made and the challenges remaining in protecting the lives, rights and fundamental freedoms of civilians around the world than this day — International Human Rights Day. In this respect, I would like to take the opportunity to convey the special thanks of the High Commissioner for Human Rights, Sergio Vieira de Mello, for the holding of this open session on protection of civilian populations in armed conflict today, 10 December, World Human Rights Day. This is a clear recognition on the part of the Council that this is a central concern in both the human rights and the humanitarian fields.

Over the past three years, we have provided the Council and Member States with a solid framework of practical measures to protect and assist vulnerable populations caught in conflict situations. Much progress has been made in drawing attention to the plight of the millions of civilians who have died over the last decade alone as a result of armed conflict, the tens of millions who have been displaced by war and the countless numbers of women and children deprived of a future and a life free from fear.

We have raised awareness of the steps and measures that are needed to protect civilians more effectively, both physically and legally. We have succeeded in drawing greater attention to the complexity and interconnectedness of the challenges posed by the vulnerability of civilians in violent conflict. The Council itself has given greater priority to the protection of civilians and has on several occasions indicated its willingness to apply the findings and lessons enshrined in the Aide Memoire it adopted 15 March 2002 (S/PRST/2002/6, annex). The review of the mandates of the United Nations Mission in Sierra Leone (UNAMSIL) and, just recently, of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) for the eastern Democratic Republic of the Congo is only one example that demonstrates that there is no substitute for the willingness to act if we want to transcend the sheer endless cycles of violence.

Also, a number of the world's protracted conflicts — Afghanistan, Angola, Sudan, Sri Lanka and now Aceh in Indonesia — have started to subside or have entered a transitional period from conflict to peace. That is additional proof of the indispensability of engaging the parties to a conflict in a political process and of the responsibility to provide incentives for sustainable peace in which we do not lose sight of protection priorities. However, those encouraging developments must not make us complacent or make us slow down. The establishment of the culture of protection called for by the Secretary-General in his most recent report is still a distant goal.

Civilians remain the main casualties of conflict today. The violence and attacks in the eastern part of the Democratic Republic of the Congo, in Côte d'Ivoire, in the occupied Palestinian territory and in Burundi are only the most recent reminders of that fact. Daily, such violence and attacks take an unacceptable, high toll in human life and livelihood. Civilians are also in dire need of protection and assistance in many other crisis situations around the world.

While we continue to move on, jointly, implementing and mainstreaming the recommendations of the previous two reports of the Secretary-General (S/1999/957 and S/2001/331), we must not forget to bring new challenges to the Council's attention and to remind its member States of the many unresolved challenges that remain in protecting the vulnerable. In my view, the Security Council has been, and continues to be, an appropriate forum in which to discuss those issues.

This third report of the Secretary-General on the protection of civilians in armed conflict (S/2002/1300) identifies three significant new challenges to the international community, Member States and agencies alike: the gender-based violence in humanitarian crisis and conflict situations; the harmful consequences of the commercial exploitation of conflict; and the escalating threat of global terrorism. At the same time, the report reiterates three key findings of previous reports: the need for safe and unimpeded access to vulnerable populations; the importance of separating civilians from armed elements in camps for displaced persons; and the centrality of vigorously promoting respect for the rule of law in conflict areas.

In order to create a culture of protection, the States Members of the United Nations, as well as departments, funds and agencies, have worked collectively to devise the necessary policy and analytical framework for the protection of civilians in armed conflict. In addition, we have intensified our efforts to raise the level of awareness and understanding of Member States and agencies of the

multifaceted nature of protection and of the toolkit now available to us.

The aide-memoire adopted by the Council in March after an exemplary interactive process among Council members and United Nations departments and agencies is the centrepiece of those efforts. Serving as a checklist for Council deliberations, it also represents the Ten Commandments, as it were, of protection and is the backbone of our training exercises. Its first practical application came in July as the Security Council convened a workshop reviewing the peacekeeping mandate in Sierra Leone. Along the lines of the aide-memoire, participants reviewed the United Nations mandate in the Mano river region, measuring its operational effectiveness by its success in meeting the protection and assistance needs of civilians. We welcome that approach and look forward to additional and regular reviews of other peace operation efforts in areas of serious concern in terms of the protection of civilians.

Also, as indicated earlier, the Security Council has started to take into account the protection needs of civilians in its recent revision of the United Nations mandate in the Democratic Republic of the Congo. The resulting resolution, resolution 1445 (2002), affirmed an expansion and the location of additional resources, taking into account the Council's deep concern over the humanitarian situation throughout the country and, in particular, in the Ituri region. It called for full humanitarian access and guarantees of the physical security of humanitarian workers. That is the implementation we are calling for: the protection of civilians agenda in action.

Moreover, as suggested during my last briefing to the Council on this matter, in March, we have now held the first three of a series of regional workshops on the protection of civilians in armed conflict. The first one, held in South Africa, covered the Southern African region; the second, held in Japan, covered South-East Asia and the Pacific; and the third, recently held in the United Kingdom, covered Europe, including the Balkans and Russia. To date, some 30 countries have participated in those workshops. I wish to express my special thanks to the Governments of South Africa, Canada, Japan and the United Kingdom for their support in that respect.

Aiming specifically at Government officials, diplomats and military staff of Member States, the workshops are an important means of familiarizing participants with the basic concept and multiple facets of protection, of providing the tools for more effective physical and legal protection in practice, and of building a growing consensus and constituency around the concept of protection. The workshops specifically promote the use of diagnostic tools such as the aide-memoire to assess potential regional threats to peace and security and to identify ways to address them. In that way, the policy work that has been deliberated here in New York is making its way into political capitals and, ultimately, into the communities experiencing conflict. Those are the first steps on a long march towards establishing the culture of protection. The workshops will be followed by at least three more next year, in the Pacific Rim, Africa and Latin America. So far, I am very encouraged by the response of Member States to the workshops and by their commitment.

As we all know, progress in protecting civilians cannot be measured in workshops and policy discussions. What ultimately matters is the effect those efforts have on the concrete situation of civilians in the field. What matters is the implementation of the recommendations made in previous reports. I am aware that this is not an easy task and that it will require a continuing and persistent effort. However, it is the humanitarian imperative to persist. Great importance is therefore attached to the road map called for by the Security Council in June 2001. Clarity of responsibilities and tasks will help bring about expeditious implementation.

The initial road map that has been annexed to the third report of the Secretary-General is a preliminary version, prepared in consultation with the relevant United Nations departments, agencies and funds. It reorganizes recommendations from the previous two reports, on which the Council has agreed, by theme. It is intended to provide a broad initial picture. A more thorough process of detailed consultation with Member States, United Nations bodies, departments, funds and agencies is now needed. The ultimate objective is to produce a plan of action for implementation, with specific responsibilities assigned, and with time frames where appropriate.

Effective implementation of the agenda on the protection of civilians requires the continued engagement and support of Member States. I am extremely encouraged by the establishment this week of a support group of Member States, led by Norway,

to create a broader support base for the protection of civilians in armed conflict. The group aims to develop momentum and focus among Member States by creating a forum to promote conceptual, technical, financial and political support for the protection of civilians in armed conflict. It will also serve as a forum for information exchange between Member States and the Office for the Coordination of Humanitarian Affairs (OCHA) on behalf of the humanitarian community. I thank the Government of Norway for taking the lead in this very important initiative; we look forward to working closely with the members of the support group.

Secondly, within the Secretariat, the Secretary-General's Executive Committee on Humanitarian Affairs, the coordinating body of United Nations agencies dealing with humanitarian concerns, decided recently to create an implementation group for the protection of civilians. That group will spearhead the production of the plan of action. Moreover, it will liaise with the Member States' support group for the protection of civilians to which I have just referred, with donors and with members of the Security Council. It will also provide guidance and input for the regional workshops and will work to develop training materials and modules for United Nations staff and national authorities on the subject.

For its part, my office, OCHA, will continue to work with concerned departments and agencies to ensure that the United Nations system addresses the implementation of the protection of civilians agenda in a coordinated manner. We will also continue to engage with members of the Inter-Agency Standing Committee throughout this process.

A memorandum of understanding between the Department of Peacekeeping Operations (DPKO) and OCHA has now been signed, committing both departments to collaboration and the protection of civilians in peace operations, as called for in the Secretary-General's report. This collaborative approach has been exemplified by joint OCHA-DPKO briefings to the Security Council on the Mano river in July, which I mentioned earlier, and more recently on the eastern Democratic Republic of the Congo.

OCHA and the Department of Political Affairs (DPA) will also strengthen their collaboration to ensure the full integration of civilian protection issues in the planning and implementation of peace missions and peace processes, particularly during the period of transition from conflict to a sustainable peace.

In order to facilitate this greater interdepartmental cooperation, we will be conducting joint training for staff, at Headquarters and in the field, within OCHA, DPKO and DPA, and in peacekeeping operations. Our goal is to ensure that United Nations personnel and their national counterparts more systematically give priority to the humanitarian and protection needs of civilians in conflict.

In my comments today I have reviewed what I consider to be the three core tasks of the protection of civilians agenda, namely to advocate, to educate and to implement. To advocate and educate we are using the regional workshops, developing training materials and setting up collaborative planning mechanisms to mainstream the protection of civilians in the daily work of the United Nations. To implement this, we are systematically drawing up plans of action with our partners, and working alongside Member States to put new energy, political will and resources into this ongoing commitment. We must match momentum with action.

With the Council's agreement I will report back on our progress in six months, while the Secretary-General will report comprehensively to the Security Council every 18 months. When confronted with a challenge of this magnitude it is important to recognize that progress depends on incremental change. The steps we have taken so far will make a difference in awareness and in the commitment to provide better protection to civilians.

The practical actions outlined in the report will help to address some of the most immediate threats challenging civilians today. We must systematically build awareness, responsibility and support among Governments and armed non-State actors to ensure that where there is conflict there is proper regard for the protection of civilians.

The President (*spoke in Spanish*): I thank Mr. Oshima for the kind words he addressed to me.

The next speaker on my list is Mr. Angelo Gnaedinger, Director-General of the International Committee of the Red Cross, on whom I now call.

Mr. Gnaedinger (*spoke in French*): Allow me first to thank you, Madam President, for having invited the International Committee of the Red Cross (ICRC)

to state its concerns about the important item on the Council's agenda, the protection of civilians in armed conflict.

The ICRC broadly agrees with the alarming analysis provided by the Secretary-General in his three reports on the protection of civilians in armed conflict (S/1999/957, S/2001/331 and S/2002/1300). Through our some 10,000 staff in 80 delegations and missions, the ICRC, sadly, is in an excellent position to attest to the unspeakable suffering inflicted during armed conflicts on civilian populations that are often the prime targets of these conflicts. This suffering includes acts of genocide, ethnic cleansing, forced displacements, indiscriminate attacks committed by regular armies or other armed elements, terrorist acts, starving populations, women who have fallen victim to sexual violence, child soldiers, families that have been separated without news of their loved ones and forced disappearances.

Yet such situations are precisely the subject of international humanitarian law, one of whose pillars is the protection of civilian populations. With regard to methods of combat, the key principle of the entire body of humanitarian law is indeed that of distinction. This principle prohibits any attack against civilians and stipulates that at all times the parties to a conflict must draw a distinction between civilians and combatants. Combatants alone may be the target of attack.

This same principle applies also to the means of combat and prohibits the use of weapons that strike indiscriminately. Furthermore, when civilians are in the hands of a party to a conflict, they must be treated humanely. Yet humanitarian organizations are working tirelessly to try to provide at least minimum protection of civilians in armed conflict.

Specifically with regard to the ICRC, such protection activities are the very essence of the mandate conferred to it by the 190 States parties to the Geneva Conventions. For the ICRC, the concept of protection encompasses all activities that seek to ensure full respect for the rights of the individual which are granted by the spirit and the letter of the body of applicable law, meaning all activities that would seek to prevent, halt or limit the effects of violations of the law.

The ICRC strives to protect civilians in armed conflict by intervening directly with all parties, whatever the cause they claim to defend. This means that, of necessity, we must engage in dialogue with a great variety of actors, including non-State actors. Such an approach is essential when it is a question of gaining access to persons protected by the law, regardless of which authority controls them. Not to do this would be tantamount to discriminating between "good" and "bad" victims of conflicts, and to denying some of them relief and protection.

The operational philosophy of the ICRC is to try, in a comprehensive and consistent way, to respond to the needs of all civilian populations, giving priority to those needs which are most urgent, according to the principle of impartiality. That approach means that we focus on particularly vulnerable categories, including displaced persons, children, missing persons and their families, but without losing sight of the big humanitarian picture.

Why are these populations — protected by a body of law which has been universally ratified, with humanitarian organizations working to guarantee humane treatment for civilians — subjected to so much suffering? Is the law not properly adapted? We think that it is. It must be noted that the great suffering that civilians endure on a daily basis is already the subject of those legally binding rules whose essential principles we have referred to. Humanitarian law, therefore, remains an essential frame of reference to guarantee effective protection and assistance to civilian populations that have been trapped in conflicts. Those norms, contained in the Geneva Conventions and the additional Protocols, are a consistent whole that clearly establish a right to protection and assistance.

Furthermore, far from being static, humanitarian law has constantly evolved over time. Many instruments have supplemented and strengthened the 1949 Geneva Conventions to prohibit or restrict the use of certain weapons or to establish legal institutions to punish serious violations of humanitarian law. For the ICRC, recalling that evolution in no way signifies that the law cannot be improved.

This year, which is the twenty-fifth anniversary of the additional Protocols to the Geneva Conventions, the ICRC has embarked on an important discussion about the appropriateness of humanitarian law with regard to new types of conflict. The ICRC will share the outcome of that discussion with States at the International Conference of the Red Cross and Red Crescent Movement in December 2003.

Without ignoring the possibility of improving the level of protection provided by existing law, the ICRC believes that the greatest challenge now is not so much to develop new norms as to ensure greater compliance with existing law.

Is it the humanitarian organizations that are not up to the task? Given the complexity of so many situations of armed conflict, as well as the magnitude and the diversity of humanitarian needs, it is not possible for a single organization to respond adequately. Coordination has therefore become essential to make humanitarian action effective for victims. The ICRC has integrated it into its operational strategy. It, therefore, coordinates its approaches at the thematic and operational levels with other humanitarian actors through various structures and mechanisms, while respecting the mandates, principles and operational methods of each organization.

Turning more specifically to the question of protection, the ICRC tries to promote a harmonized approach by humanitarian actors. Since 1996, it has undertaken the initiative of organizing four workshops on the problems associated with the protection of victims of armed conflict in order to try to improve the effectiveness of humanitarian and human rights organizations. We must agree on the concept of protection, as understood by humanitarian law, human rights and the law of refugees.

The effectiveness of humanitarian organizations can definitely be improved. The effectiveness of humanitarian action, however, can never be a substitute for political inaction. Humanitarian action is ad hoc in nature, working to relieve the consequences of conflict. Political action, working upstream, seeks to prevent those conflicts and, later, to resolve them, opening the way to reconstruction and development.

Allow me to conclude with two observations. If law exists and remains relevant, it then follows that the major challenge for us is applying it. That is primarily the responsibility of States. The ICRC can only encourage them to promote a culture of respect. It is not only incumbent on the parties to the conflict, but it is also incumbent on all members of the international community, which, pursuant to the Geneva Conventions, have undertaken to respect them and to ensure respect for them in all circumstances.

That involves the need to punish violations. To borrow the language used by a famous philosopher, disregarding the crime means abolishing the law. One could add to that maxim that disregarding the crime is also oneself being guilty of denial of justice to victims of violence, war crimes and crimes against humanity. In view of that, the creation of the International Criminal Court (ICC) is a major advance in an environment that until now has been dominated by impunity. However, that dimension can only supplement the legislative and institutional work done at the national level.

Finally, let us stress that that effort must be accompanied by preventive measures. Indeed, if harsher punishment for serious violations of humanitarian law can have a decided deterrent effect and may therefore prevent violations of humanitarian law, respect for that law must be built before crises emerge, during times of peace, through mobilizing and informing public opinion each time the rights of victims are seriously disregarded or flouted, through humanitarian education programmes in schools, by teaching humanitarian law at universities and by providing proper instruction at military training centres. I believe that it is very important that we finally realize that providing protection for victims of war cannot just be reduced to an emergency strategy, which we know is often doomed to failure.

Mr. Helgesen (Norway): My delegation aligns itself with the statement to be made by Austria on behalf of the Human Security Network later in this debate. Allow me, however, to make the following remarks in my national capacity.

I would like to start by expressing my gratitude for the presence here today of the Secretary-General and the Director-General of the International Committee of the Red Cross (ICRC). Their contribution to today's debate is very much appreciated. I would also like to thank Under-Secretary-General Oshima for his introduction of the report of the Secretary-General (S/2002/1300).

While serving on the Security Council, Norway has taken a keen interest in the issue of the protection of civilians in armed conflict. Since the first report on this issue by the Secretary-General in 1999, a comprehensive framework for action has been established. We also very much welcome achievements made at the field level in various locations. Still, the main challenge before us is to ensure proper

implementation and thereby the effective protection of the millions of civilians affected by conflict every day.

In that context, we should recall that this is not an agenda item for the Security Council alone. Various United Nations bodies, international agencies, international governmental organizations, non-governmental organizations and Member States must all live up to their respective responsibilities so that the efficient protection of civilians can be ensured. As a means of establishing broader support among Member States, my delegation is currently in the process of establishing a support group here in New York for the protection of civilians, which we hope will contribute towards that goal.

Allow me also at this stage to recall that the most vulnerable part of the civilian population is children. In too many conflicts, children are not only affected by war, they are made combatants. One of the conflicts in which the recruitment of underage combatants has been a problem is the Sri Lankan conflict.

I am pleased to inform the Council that at the third session of the Sri Lanka peace talks in Oslo last week, the parties underlined that children belong with their families or other custodians and not in the workplace, whether civilian or military. The Liberation Tigers of Tamil Eelam will now engage in a partnership with UNICEF to draw up an action plan for restoring normalcy to the lives of children, including rehabilitation of child soldiers and bringing a halt to recruitment of underage combatants.

Norway welcomes the third report of the Secretary General (S/2002/1300). We note with particular interest its outline in terms of strategies to address the crucial challenges of access, separation and the rule of law and justice. Moreover, the introduction of new issues to this agenda, such as terrorism and sexual exploitation, is most timely and appropriate.

Lack of humanitarian access to vulnerable populations continues to be a major problem. We simply cannot accept that parties to a conflict, including non-State actors, blatantly ignore basic international standards in this regard. We concur with the Secretary-General's recommendation relating to the need for coordinated efforts by humanitarian and United Nations agencies with regard to access negotiations. We also support the option of framework agreements being further elaborated and implemented. Finally, we share the grave concerns expressed regarding the denial of humanitarian access by means of targeting humanitarian workers or civilians. Such acts should be recognized as war crimes and dealt with accordingly.

Slowly, and with increasing momentum, the international community is rising to the challenge of protecting individuals and human dignity in armed conflicts, bringing to justice the perpetrators of atrocities. But first and foremost, every State has the obligation and responsibility to protect their inhabitants in conflict situations. The entry into force of the International Criminal Court, on 1 July this year, is a historic turning point for humanitarian law and for the protection of civilians in armed conflict. I wish to reiterate Norway's full and longstanding commitment to the establishment of a strong and truly credible Court, with the broadest possible support.

We must vigorously uphold the agreed standards of protection in crises, war and strife. Those who are close to populations in need have a particular responsibility to uphold the principles and moral foundation on which the United Nations is founded. The blue berets and the blue and white United Nations flag must continue to symbolize freedom, safety and trust. We cannot tolerate any kind of exploitation of vulnerable, war-affected populations. Therefore, we welcome the serious and engaged response and corresponding recommendations by the Secretary-General to incidents of sexual abuse and exploitation by humanitarian personnel and peacekeepers.

Allow me now to turn to some initiatives aimed particularly at promoting implementation of this agenda.

The aide-memoire on protection of civilians, adopted by the Council in March this year, has proved to be a useful tool in terms of promoting implementation and increased resolve with regard to protection issues. However, in order for it to be useful over time, the aide-memoire cannot be a static instrument. It is our view that it should be updated at yearly intervals to reflect new developments and thereby contribute towards improved compliance with protection standards. We put this idea forward for the consideration of the Security Council.

We very much support the idea of further reviews of existing Security Council mandates based on the aide-memoire. In our view, the exercise conducted on the United Nations Mission in Sierra Leone, under the

United Kingdom presidency in July this year, was an excellent opportunity for the Council to reflect on protection challenges in a specific operation, as well as on ways and means to address them. Moreover, further reviews of this kind will also serve the important purpose of enhancing the Council's awareness and capacity to address protection issues in general.

The road map is another tool which can facilitate further implementation of protection measures among the different actors involved. We acknowledge that the version annexed to the current report is provisional, and we encourage the Office for the Coordination of Humanitarian Affairs (OCHA) to continue its good work towards a road map which will further clarify responsibilities, enhance cooperation and facilitate implementation.

Increased cooperation and liaison between different agencies and departments is crucial for the further advancement of the protection agenda. In this regard, we welcome current cooperation between the Department of Peacekeeping Operations (DPKO), the Department of Political Affairs and OCHA, and we support and encourage continued efforts towards implementation of the so-called Standard Operating Procedures. That will, above all, facilitate DPKO's incorporation of protection strategies in mission planning and in training of peacekeepers.

Finally, I would like to commend OCHA for its active engagement in coordinating regional workshops in which States and regional bodies can address protection issues. This is a critical undertaking in terms of disseminating and promoting the protection of civilians, as well as in terms of gaining experience from national and regional initiatives and challenges. If protection needs are acknowledged and properly addressed by Member States of the United Nations, we will have come a long way in addressing the plight of all those civilians, men, women, and children who are victims of conflict and distress.

Mr. Tafrov (Bulgaria) (*spoke in Spanish*): I would like to express to the President that I am grateful for her presence in New York and grateful to the Colombian delegation for organizing this meeting on a problem so important and urgent, as the Secretary-General has said.

(*spoke in French*)

I would also like to thank Under-Secretary-General Mr. Kenzo Oshima for his presentation of the excellent report of the Secretary-General and the Director-General of the International Committee of the Red Cross, Mr. Angelo Gnaedinger, for his extremely interesting briefing.

As a country associated with the European Union, Bulgaria fully supports the statement that will be made shortly by the Danish presidency of the European Union.

Today, we are observing Human Rights Day and commemorate the creation of the Universal Declaration of Human Rights. This day is an opportunity to reflect on what we have accomplished in this area and to concentrate all our efforts on finding the resources to fill the gaps remaining, including — unfortunately — in the area of the protection of civilians in armed conflict.

Civilians constitute the majority of war victims in many parts of the world. War is an everyday reality for millions of people. Even as we speak, men women and children are being killed, mutilated, raped, torn from their lands, imprisoned and tortured. The report of the Secretary-General (S/2002/1300) clearly and quite rightly indicates that over the last decade, more than 2.5 million people have died as a direct consequence of conflicts and that more than 31 million people have been displaced and uprooted. Decisive, timely measures are needed to put an end to the suffering of innocent victims of war, especially the great number of women and children.

Bulgaria recognizes the fundamental and irreplaceable value of the aide-memoire of 15 March 2002. The objectives for protecting civilians that it contains offer a real opportunity for the Security Council to ensure that its mandates in conform with the requirements of the humanitarian community.

We believe that the aide-memoire and the road map annexed to the present report will enable us to determine whether existing peacekeeping operations can effectively protect civilians.

In our opinion, it would be useful to conduct periodic reviews on the impact on civilian populations of mandates created by the Security Council.

The workshop on the situation in the Mano River region, held on 18 July 2002, helped us to assess the effectiveness of the mandate of the United Nations Mission in Sierra Leone. I thank the delegation of the United Kingdom for successfully carrying out that exercise.

The progress made in several current United Nations peacekeeping operations is in large part due to the presence of advisers on issues concerning women and children. However, we still have concerns. The impact of insecurity and the lack of access for humanitarian organizations are obvious in the Democratic Republic of the Congo, Liberia, Afghanistan and elsewhere.

The culture of prevention has not yet been fully mainstreamed. The protection of civilians would be better served if we could act further upstream. The Security Council ought not to intervene only when violent incidents take place on a large scale. It should act proactively and collectively before these conflicts spread.

The entry into force of the Rome Statute of the International Criminal Court on 1 July 2002 is a beacon of hope that finally we will be able to put an end to war crimes and crimes against humanity and, in particular, to end impunity. It is shocking to see how widespread is the impunity that has accompanied flagrant violations of human rights, in particular against civilians, in time of war. Bulgaria is determined to work for the success of the Court, which we feel is a turning point in the history of humanity's efforts to prevent war atrocities.

Observation, monitoring and verification of respect for human rights were always important aspects of the implementation of civilian protection programmes. The Department of Political Affairs, the Office for the Coordination of Humanitarian Affairs, the Office of the United Nations High Commissioner for Human Rights and other United Nations bodies that deal with protection should cooperate more closely to see to it that peace agreements that are negotiated have very broad scope and, within a political context, encompass humanitarian principles and priorities relating to human rights.

The President (*spoke in Spanish*): I thank the representative of Bulgaria for the kind words he addressed to me in Spanish.

Mr. Aguilar Zinser (Mexico) (*spoke in Spanish*): My delegation is gratified that this meeting of the Security Council today is presided over by a Latin American woman, the Minister for Foreign Affairs of the sisterly Republic of Colombia.

On behalf of Mexico, I would like to thank the Secretary-General for introducing his report on protection of civilians in armed conflict (S/2002/1300), which is undoubtedly a document on the basis of which the Security Council and the United Nations in general must develop their activities to protect human rights in conflict situations.

We would also like to thank Mr. Kenzo Oshima for having shared with the Security Council his perspective on the protection of civilians in armed conflict. Our thanks go also, in particular, to the Director-General of the International Committee of the Red Cross (ICRC).

Norway has played a very important role in the Security Council deliberations on the question of civilians in armed conflict. It has focused the Council's attention on this matter, and it has set up a structure that we will not be able to ignore in the future. We assure the delegation of Norway that Mexico, with other Security Council members, will continue to stress this item so that we can expand our actions to protect civilians and to protect human rights in conflict situations. Here, we welcome the presence of the Deputy Minister for Foreign Affairs of Norway, Mr. Vidar Helgesen.

Mexico places great importance on the peaceful settlement of disputes. Aware of the harmful effects of conflicts, my country has favoured dialogue, mediation and understanding above confrontation. Taking into account that the majority of victims are non-combatant civilians, my country reiterates the validity of international humanitarian law, and in particular the obligations of parties to conflicts.

The United Nations must continue to improve the measures it takes within the framework of its peacekeeping operations to protect civilians. In this effort, the provisional road map formulated by the Secretary-General in the report before us today and the aide-memoire developed by the Security Council (S/PRST/2002/6, annex) are steps in the right direction for the Organization to be more effective in its task of protecting human life.

We are encouraged by the comments in the Secretary-General's report relating to strengthening cooperation between the Department of Peacekeeping Operations (DPKO) and the Office for the Coordination of Humanitarian Affairs (OCHA). This should lead to the development of a final road map and should continue with the review and updating of the aide-memoire in the light of the experience that we have acquired, as my country has said in the deliberations that have taken place on this issue in the Security Council.

With respect to access to vulnerable populations, Mexico supports the measures proposed in the report, since we share the opinion that the basic rights of civilian populations cannot be subordinated to supposed or real security threats. We note the involvement in this effort of humanitarian organizations, including non-governmental organizations (NGOs), which are very often the only presence of the international community in conflict areas. For this reason, Mexico supports the proposal that concrete measures be adopted in understandings with the parties, which would enable full access by humanitarian organizations and non-governmental organizations during and after a conflict.

We are concerned at, and take note of, the increasing number of attacks targeting the ICRC and humanitarian and non-governmental organizations. Weakening the security of such organizations makes the conflicts even more acute and places civilian populations in situations of far greater vulnerability. Therefore, our Organization must adopt concrete and specific measures to ensure the proper protection, as well as unrestricted access to conflict areas by humanitarian organizations, including the ICRC and non-governmental organizations.

My country also feels that we should also make greater use of early warning mechanisms, so that we can address a crisis or situation of tension before it turns into a conflict. In that connection, we would like to highlight the fundamental role of the Security Council pursuant to the Charter and the support that the Secretary-General can provide on the basis of the powers conferred on him in Article 99 of the Charter. States and international organizations must also be ready to cooperate with the United Nations.

The measures proposed by the Secretary-General with regard to the separation of civilians and armed elements are acceptable. This issue must be considered in all conflicts examined by the Security Council. Likewise, and in the light of the need for host countries to protect civilians in refugee camps, we must take into account the recommendations of the Office of the United Nations High Commissioner for Refugees (UNHCR) on the protection programme and on respect for the civilian and humanitarian nature of the right to asylum. But these efforts must be accompanied by measures that would bring to justice those responsible for violations of international humanitarian law, in accordance with national legislation and with international law itself. In that regard, we cannot be too emphatic or support too resolutely the concepts expressed here by the Director General of the International Committee of the Red Cross. Measures aimed at confidence-building; at the disarmament, demobilization, reintegration and repatriation or resettlement of combatants; and at consolidating the rule of law are also important.

The creation of the International Criminal Court represents an unprecedented advance in the fight against impunity. That body will complement the efforts of national jurisdictions to bring to justice those who commit crimes against humanity. The Court's existence is an incentive for the strengthening of national systems, but it is also an effective mechanism to deal with such crimes when national judicial structures have disappeared as a result of conflicts. We are sure that the Court will be a fundamental tool in eradicating the culture of impunity that has characterized the twentieth century.

Special attention should be devoted to economic exploitation as a cause and an effect of armed conflicts. We have taken note of the Secretary-General's invitation to the Security Council to continue to study measures that will make it possible to prevent the looting of a country's resources in a conflict situation, whether by armed groups, companies, individuals or other States. We must continue to analyse the legal exploitation of natural resources and other wealth, as well as other aspects related to the commercial exploitation of conflicts. To that end, the exercises carried out in the cases of Liberia and the Democratic Republic of the Congo constitute important bases that can be developed further in the course of such studies.

In this discussion, we must consider the socio-economic aspects of transition and the just distribution of wealth, as well as regional economic integration and

the legitimate and transparent development of trade. Punitive measures do not suffice. We must promote an environment in which combatants and those who benefit from illegal exploitation find incentives to demobilize and to stop their illicit activities. When socio-economic expectations are not met, political advances are not enough to prevent the resurgence of violence.

The increase in terrorism and the commission of terrorist acts in armed conflicts pose a grave threat to civilians. We energetically condemn all acts, methods and practices of terrorism as criminal and unjustifiable acts, regardless of their motivation, in all of their forms and manifestations and regardless of who commits them or whether they are committed in times of peace or in conflict situations. Terrorists make innocent civilians targets of their ideological or political actions and the objects of their armed attacks.

Furthermore, and aware that States must respond to terrorist acts while protecting and respecting the human rights of all persons — including terrorists — Mexico presented, within the framework of the current General Assembly session, a draft resolution on the protection of human rights and fundamental freedoms in the fight against terrorism, which was, fortunately, adopted by consensus, given the fact that all States agree on that principle. In order to fight terrorism, we must do so armed with law and reason; to do otherwise is to undermine the foundations of our own civilization. Therefore, we invite the Security Council, in particular the Counter-Terrorism Committee, to bear that resolution in mind as it carries out its work.

When we speak of civilian victims in armed conflict, of refugees or of internally displaced persons, we are really speaking mostly of women, children and the elderly, of violations or abuses, of sexual servitude and of the forced recruitment of children. Crimes whose victims are women and children in armed conflicts are certainly crimes against humanity. The Security Council is obligated, in the light of the abundant evidence of such crimes, to include in its actions aimed at protecting international peace and security concrete measures and effective provisions to protect women, children and the elderly in order to effectively promote a gender perspective in all peacekeeping operations that the Council authorizes.

In that regard, Mexico commends the Secretary-General for the swift and energetic response made to the reports of sexual exploitation and abuse by humanitarian personnel. We support the basic principles formulated by the Inter-Agency Standing Committee, which represent minimum standards of behaviour for all United Nations civilian personnel, as well as the establishment of clear procedures to file reports. Now, we must strengthen measures so that other associated parties — such as civilian police and military forces who work under United Nations direction, as well as non-governmental organizations — observe appropriate and scrupulous behaviour in their dealings with civilians. Humanitarian personnel are the ultimate repository of confidence and hope for civilians in armed conflict; therefore, in the case of sexual exploitation and abuse, even one case is too much.

Mexico reaffirms its support for the adoption of measures aimed at strengthening the protection of civilians in armed conflict and hopes that the Secretary-General's report (S/2002/1300) will lead to a careful analysis of its recommendations — in particular the guide to protect civilians — and encourages all members of the international community to join their efforts in this collective endeavour.

In conclusion, my country welcomes the organization by the Office for the Coordination of Humanitarian Affairs of regional seminars on fundamental concepts related to the protection of civilians. We should like to express our particular and active interest in the seminar that is being organized for the Latin American and Caribbean region.

The President (*spoke in Spanish*): I thank the representative of Mexico for the kind words that he addressed to me.

Mr. Corr (Ireland): On behalf of my delegation, I should like to thank you, Madam President, for your attendance at this morning's important meeting of the Security Council. I also wish to welcome the Deputy Minister for Foreign Affairs of Norway and to thank him for Norway's work in the area of the protection of civilians in armed conflict. In addition, I wish to thank Under-Secretary-General Oshima and Director General Gnaedinger of the International Committee of the Red Cross for their important statements this morning.

We in the United Nations have made considerable progress in recent years in addressing a moral and political challenge of the first magnitude: the protection of civilians in armed conflict. We still have a

long distance to travel. And we must begin, as the Secretary-General emphasized in his statement this morning, with a commitment of political will, here in the Security Council and by all Member States. The basis for progress has to be awareness and understanding by Member States of their obligations and responsibilities in that area.

Ireland fully associates itself with the statement that will be made later in the debate by the representative of Denmark on behalf of the European Union. We also associate ourselves with the statement that Austria will make on behalf of the Human Security Network.

Statistics of life and death — arbitrary life or death — can mask realities of very dark dimensions. Two-and-a-half million civilians have been killed directly in conflict situations over the past decade. Over 30 million have been uprooted or displaced. Countless others have died or suffered from malnutrition or disease as a consequence of conflict. Each was an individual human being with a right to live. The loss of each was a violation of the moral imperative described by Kant — that human beings must be treated not as means but as ends in themselves. That is a doctrine of moral universality that is at the core of everything that the United Nations stands for.

It is right today to make a clear political point: the catastrophes of two world wars that devastated Europe and the world in the first half of the twentieth century and led to the loss of millions of civilian lives led to actions that reshaped the world, including the founding of the United Nations. Today we should show the same determination with regard to the loss of millions of lives and the terrible humanitarian suffering resulting from conflicts that have ravaged much of Africa, as well as other parts of the world, in recent years.

Here at the United Nations we are making some real progress at an institutional level. This includes the aide-memoire developed by the Office for the Coordination of Humanitarian Affairs (OCHA) on key civilian protection issues; closer cooperation between Secretariat departments and OCHA; regular and systematic briefings by OCHA of the Security Council on civilian and humanitarian issues, including recently on the situation in Ituri in the Democratic Republic of the Congo; and the development of the road map for the protection of civilians, a provisional version of which is attached to the Secretary-General's report (S/2002/1300). All these are valuable steps. We now need to further strengthen cooperation within the United Nations family, especially the Council, the General Assembly and the Economic and Social Council. We need to build on the positive steps already taken, including strongly promoting the use of the aide-memoire and the road map throughout the United Nations system and by Member States.

There is now a moment of real opportunity, as many conflicts — such as those in Angola, the Democratic Republic of the Congo, Burundi, Afghanistan and Sierra Leone — have either ended or are, hopefully, about to end. All of these conflicts point to what we must now do if, at a time of relative hope, we can summon the necessary political will and determination. And that is to regard the protection of civilians in armed conflict as an imperative to shape the work of the United Nations in the years to come. Unless we do so, safeguarding international peace and security will rest on shallow foundations and we will have failed people around the world who look to the United Nations when no other hope exists for them. This political will must also be, literally, political. We must strongly work, for example, with the African Union and support the New Partnership for Africa's Development (NEPAD) in building new hope in Africa.

In his report, the Secretary-General focused on central themes that must shape this work. Ireland warmly endorses all of the recommendations made by the Secretary-General. Access to vulnerable populations is an indispensable and absolute requirement for the protection of civilians. The United Nations and other humanitarian agencies, including non-governmental organizations, must have access to those in need. They must have full freedom to negotiate access issues with non-State actors. As the Secretary-General points out, significant bilateral pressure on warring parties by Security Council members and others to obtain access can play a vital role. The aide-memoire is a valuable instrument for structuring and shaping negotiations on access and related issues that need to be addressed.

The grave humanitarian situation in the occupied Palestinian territories, highlighted by Ms. Bertini in her report last August, underscores all of these themes. It is also right today to pause and mourn the recent loss of three brave staff members of the United Nations Relief and Works Agency for Palestine Refugees in the Near

East, while serving others in humanitarian work: Ian Hook, Osama Hassan Tahrawi and Ahlam Riziq Kandil. The role of protectors of civilians in conflict bears special honour; its violation deserves special dishonour.

On the separation of civilians and armed elements, the Secretary-General points to successful relocation exercises over the past year, such as in the Democratic Republic of the Congo. My Delegation welcomes the Office of the United Nations High Commissioner for Refugees Agenda for Protection proposals and the practical steps now being considered by United Nations agencies. These include issues relating to the location of refugee camps and problems deriving from the intermingling of combatants and civilians. The suggestion of the Secretary-General of a roster of experts who could be seconded by Governments to assist in overcoming a lack of resources and capacity by States in conflict areas is to be welcomed. So is the proposal for the rapid deployment of United Nations multidisciplinary assessment teams to assist and support the separation of combatants and civilians.

The restoration or establishment of the rule of law, justice and reconciliation is a foundation for assured protection of civilians in situations of conflict and when conflict is ending. The entry into force last July of the Rome Statute of the International Criminal Court represents an important deterrent against war crimes, crimes against humanity and genocide. An important light has been lit in the fight for justice for innocent people who suffer injustice. Such injustice is not the work of fate, it is the result of acts of human beings against other human beings.

At the conclusion of his report, the Secretary-General highlights three themes — "global issues", as he rightly describes them — that must especially shape our work in the protection of civilians.

Gender-based violence in humanitarian and conflict situations is an issue of the utmost gravity and seriousness. Such abuse is endemic in situations of mass displacement and conflict. We must continue to place this issue at the forefront of our agenda, including full implementation of resolution 1325 (2000), and build on progress already achieved, not least in the mandates of United Nations field operations.

Secondly, the commercial exploitation of resources has led to devastating consequences for civilians. The Democratic Republic of the Congo is an especially graphic example, as we know from the recent report of the Panel of Experts. Here, I would like to add my delegation's strong view about the need for early action and follow-up by the Council on the Panel report.

Finally, the rise of terrorism has added a new set of challenges to the work of protecting civilians. Here, as we in the international community pursue the work of combating terrorism, let me simply wholeheartedly endorse the words of the Secretary-General in paragraph 62 of the report: "to pursue security at the expense of human rights will ultimately be self-defeating".

There is one final point that I would like to make. The question of adequate funding for United Nations agencies involved in the protection of civilians — Agencies dealing with food, refugee protection and shelter — is an immediate practical issue that we should not ignore. Yet all too often United Nations country appeals — even in dire situations — remain partially or even substantially under-funded. We as Member States need to look at this as an indication of seriousness of purpose. The present situation is haphazard and can be excessively prone to media focus on the last atrocity, rather than the considered views of OCHA or the Secretary-General. This is something we as Member States must consider urgently if we are serious about conflict prevention, protecting the rights of civilians where they are in peril, and addressing dire needs, whether or not they are at the centre of world attention.

In a speech during the Second World War, Albert Camus spoke of the innocent who suffer and who need help and, in words of challenge and humanism, asked, "if you will not help us to do this, then who will?" People around the world today ask this of Member States here in the United Nations. We owe them an answer and we owe them action.

The President: I thank the representative of Ireland for his kind words addressed to me.

Mr. Traoré (Guinea) (*spoke in French*): I should like to welcome you, Madam, and to express my delegation's satisfaction at seeing you preside over this meeting. I should like also to welcome the Deputy Minister for Foreign Affairs of Norway. My delegation

would like also to thank the Secretary-General for his introductory statement and the Under-Secretary-General for Humanitarian Affairs for his statement. We thank also the Director General of the International Committee of the Red Cross for his statement.

The international community, and in particular the United Nations, has long been concerned at the situation of civilians in armed conflict. This concern has been exacerbated by the changing nature of inter-State conflicts.

Aware of their responsibility for the maintenance of international peace and security, world leaders made a commitment, through the Millennium Declaration of September 2000, to strengthen the protection of civilians in complex emergency situations. The Security Council held several debates on the topic and adopted resolutions and declarations.

On this International Human Rights Day, my delegation welcomes the submission of the third report, which stresses in particular the three key measures on guaranteeing access to vulnerable populations, the separation of civilians from armed elements, the restoration of the rule of law and the promotion of national reconciliation. The report also notes the existence of three emerging problems: the exacerbation of gender-based violence, the exploitation of conflicts for commercial purposes and the rise of terrorism in situations of armed conflict.

My delegation supports the 21 practical measures contained in the report under consideration, which, in many ways, strengthen previous recommendations. However, it must be emphasized that questions related to women and children, among others, should be considered within the framework of a comprehensive approach to the protection of civilians in armed conflict.

With respect to the key measures, it is desirable to consider the establishment of a multidisciplinary group that would carry out a comprehensive study of all the recommendations in order to integrate them into a more functional and uniform framework.

Regarding the emerging problems, we welcome the work that has been done by the Office for the Coordination of Humanitarian Affairs on the question of sexual exploitation in refugee camps. That study should be widely disseminated in order to allow the various actors to take the necessary measures.

My delegation is also concerned by the questions of the commercial exploitation of conflict and terrorism. We agree with the need to take punitive measures, although, to be effective, these must apply to all individuals and entities involved in this exploitation.

We believe that the question of terrorism seriously complicates the task of dealing with armed conflict. We would like it to be the subject of an in-depth study by the Counter-Terrorism Committee, which could, in conjunction with the Policy Working Group on the United Nations and Terrorism, make useful recommendations.

We welcome the finalization of the road map for the protection of civilians, which takes into account the various aspects of the management of affected populations before, during and after conflicts. This document, along with the aide-memoire adopted last March, are key instruments in understanding questions related to the protection of civilians in armed conflict.

As we have seen, the efforts of the United Nations have made it possible to establish points of reference for norms relating to the protection of civilians in armed conflict. Today, our duty is effectively to implement these norms. In this respect, the General Assembly, the Security Council, the Economic and Social Council and the Secretariat all have a decisive role to play.

We would like also to welcome the holding by the Office for the Coordination of Humanitarian Affairs of workshops in South Africa and in Japan, which made it possible to stress the importance of regional action, the need to involve regional institutions in the protection of civilians, and the need to raise the awareness of officials and of leaders of civil society. We would like to encourage the holding of such workshops in other regions.

We support the United Nations agencies in their efforts to draw up a manual on the terms of engagement with armed groups in order to facilitate coordination and to make negotiations more effective. The same applies to the elaboration by the Office of the High Commissioner for Refugees, in cooperation with the Member States, other United Nations agencies and the International Committee of the Red Cross, of specific measures relating to the disarmament of armed elements, as well as the identification, separation and internment of combatants.

We also welcome the recent publication by the Office of the High Commissioner for Human Rights of the Agenda for Protection, which contains a wide range of measures designed to preserve the humanitarian nature of asylum.

We are also pleased at the outcome of the work of the Inter-Agency Standing Committee, which is charged with developing comprehensive strategies concerning the rule of law in the context of peacekeeping operations, whose final report and recommendations were approved at the end of last September.

Furthermore, we note with satisfaction that the United Nations, acting in conjunction with a number of partners from the humanitarian community, is already implementing several preventive and corrective measures designed to strengthen and enhance the protection and treatment of vulnerable persons caught up in complex emergency situations.

I cannot conclude without reiterating that the best way to protect civilians in armed conflict is to prevent such conflicts in the first place and to set up an effective and coherent peace-building programme. Within this framework, the Security Council, which has the primary responsibility for the maintenance of international peace and security, must further stress conflict prevention and vigorously support efforts made towards that end.

The President (*spoke in Spanish*): I thank the representative of Guinea for the kind words he addressed to me.

Mr. De la Sablière (France) (*spoke in French*): I wish at the outset warmly to thank the Colombian presidency, through you, Madam, for having taken the initiative of convening today's public debate on the protection of civilians in armed conflict. I should like also to thank the Secretary-General for his very detailed report, which provides us with real substance for our discussions.

The presence of the Director General of the International Committee of the Red Cross, to whom I bid welcome, is also important in this respect and attests eloquently to the attention that the United Nations devotes to the protection of civilians in armed conflict.

Clearly, one of the ugliest aspects of contemporary conflicts concerns the fate of civilian populations. The point can never be overstated that nowadays it is civilians, principally women and children — not combatants — who are the primary victims of conflicts.

The international community at first appeared powerless to deal with these developments, because humanitarian law had primarily been designed to deal with conventional wars, which drew a very clear distinction between civilians and combatants. But times have changed, and today we can take stock of the efforts made by the United Nations over the past three years, with the adoption by the Security Council of the first resolution relating specifically to the protection of civilians in armed conflict.

The report of the Secretary-General, his third on this issue, clearly illustrates the progress that has been made. Among the accomplishments, we refer to the inclusion in the mandate of certain peacekeeping operations of elements relating to the protection of civilians, such as in Sierra Leone or the Democratic Republic of the Congo; to the concern, when new sanctions are decided upon, not to exacerbate the humanitarian situation; and to the campaign against the recruitment of child soldiers. This question, as members know, was the subject of particular effort on France's part and will, in the near future, be the topic of a specific debate.

It would be difficult to provide an exhaustive list of all the elements of the reports that are of particular importance. Allow me nevertheless to refer to a particular point that I believe has not been addressed from this perspective until now: the need to make all parties to conflicts — not only States, but armed groups as well — aware of the violations they commit against civilians, particularly with respect to restrictions on access to humanitarian assistance. It is indeed essential that humanitarian organizations have access to all populations, which may require direct contact with non-State armed groups. The overriding concern here must be the effective protection of the most vulnerable civilians, especially women and children.

I also wish to welcome the attention focused on the question of the illegal exploitation of natural resources in the areas of lawlessness created by armed conflicts, which has assumed alarming dimensions in recent years. These abuses, including the massive use

of forced labour — children in particular — must be halted.

We are now at a crossroads. Following a period in which the international community has become aware of the issue and mobilized itself — a mobilization that clearly must continue — we need to move forward and implement our objectives in a practical way. The roadmap proposed by the Secretary-General for the protection of civilians in armed conflict is a decisive contribution in that respect. If it is to be truly operational, we must specify the actors or institutions involved in each measure, establish priorities and draw up an indicative timetable. This work will have to be undertaken, of course, with the broadest possible cooperation within the United Nations system and, undoubtedly, beyond.

I wish to conclude my statement with a question. At the end of the report, a recent trend is cited that singularly complicates the efforts of the international community to ensure better protection of civilians in armed conflict. I refer to the participation of terrorist organizations in armed conflicts. Does the Secretary-General's roadmap take this development into account? What types of measures could be envisaged in the context of the specific issue of the protection of civilians?

The President (*spoke in Spanish*): I thank the representative of France for his kind words addressed to me.

Mr. Tidjani (Cameroon) (*spoke in French*): I wish at the outset to express my delegation's pleasure at seeing you, Madame, personally presiding over our meeting today, on the occasion of the anniversary of the adoption of the Universal Declaration of Human Rights. We sincerely welcome your presence as irrefutable proof of your dedication and that of your country to the development of humankind.

I also wish to thank Secretary-General Kofi Annan for his opening message earlier.

Allow me also to congratulate Mr. Kenzo Oshima, Under-Secretary-General for Humanitarian Affairs, and Mr. Angelo Gnaedinger, Director-General of the International Committee of the Red Cross, on the excellent quality of their briefings.

One lesson we can draw from their respective statements is that civilians are the most vulnerable sector in conflict situations. In certain cases, they are systematically tortured and killed, which explains why there are generally more deaths among civilians than in the ranks of combatants. In the absence of adequate protection, civilians are forced to flee and relocate, completely impoverished, leaving their property and, sometimes, family members behind. They are also the principal victims of landmines and other arms.

As the Secretary-General clearly stresses in his report:

> "As is now well known, civilians, rather than combatants, are the main casualties of conflicts today, with women and children constituting an unprecedented number of the victims. More than 2.5 million people have died directly as the result of conflict in the last decade, and over 10 times this number (31 million people) have been displaced and uprooted by conflict. This represents human suffering on an immense scale." (*S/2002/1300, para. 12*)

This observation precisely and succinctly illustrates the extent of the tragedy of civilians caught in armed conflict.

The international community has established a body of consistent international humanitarian law and human rights norms. We welcome the commendable efforts that have been made to implement those instruments, as well as the valuable work done by the International Committee of the Red Cross and other humanitarian organizations.

Mr. Gnaedinger rightly raised two questions earlier. He wondered whether it is the law that has not been adapted or whether it is the humanitarian organizations that are not up to the task. I can assure him that we have adapted the law, which is why it is in constant evolution. The humanitarian organizations are carrying out their work admirably and to our great satisfaction. The problem, as he pointed out, lies elsewhere. Today, armed conflict is quite different from conventional warfare and involves State and non-State actors who violate or deliberately ignore all of the relevant conventions, creating even more tragic, complex and unbearable situations. This is the challenge facing the international community today. It cannot be met without the utmost respect for existing law. Our task is to ensure that respect.

It is therefore with genuine satisfaction that the delegation of Cameroon welcomes the Secretary-

General's report. All of the recommendations it contains refer to strategies to be implemented in order to guarantee effective protection of civilians in armed conflict, which is a major prerequisite for any peace process. It refers first to the roadmap, a preliminary presentation of which is annexed to the report. As the report suggests, this document, which is rich in recommendations, warrants further study by the Office for the Coordination of Humanitarian Affairs, in cooperation with the competent United Nations bodies, in order to organize a coherent plan of action to be undertaken with, in Mr. Oshima's words, "specific responsibilities assigned and time frames". There are also measures on developing awareness on the part of Member States with regard to their obligations to protect civilians in armed conflict; the commitment to carry out coordinated negotiations on humanitarian operations; taking into account the ties between humanitarian aid, peace and development; the fight against the exploitation of conflicts for commercial purposes and the global threat of terrorism.

The Cameroon delegation supports these measures. It is convinced that, if the measures in question were respected and implemented by the parties in a conflict, they would make it possible to provide solutions to certain concerns, such as the problem of access to vulnerable populations, the question of the security of members of humanitarian organizations, the involvement of humanitarian agents and members of peacekeeping forces in the fortunately rare but unacceptable cases of sexual exploitation and violence.

Cameroon is part of a region confronted by many armed conflicts, and as a result has adopted several measures to protect civilians in armed conflict. My country, indeed, has joined the four Geneva Conventions of 1949, as well as other instruments related to human rights. We have signed the Statute leading to the establishment of the International Criminal Court, which we are getting ready to ratify.

In keeping with our tradition of hospitality, Cameroon welcomes thousands of refugees who come from several Central African countries and elsewhere, in close cooperation with the various competent United Nations bodies set up in Yaounde. With the assistance of certain friendly countries we provide all of the necessary aid to create the conditions for a normal life. Furthermore, Cameroon has taken and continues to take measures, particularly in the area of the protection of civilians through conflict prevention within the framework of preventive diplomacy of the United Nations Standing Advisory Committee on Security Questions in Central Africa. Thus, my country and several other countries from the Central African region have adopted a non-aggression pact and established the following structures: the early-warning mechanism of the countries of Central Africa, the Central African multinational force, the Defense and Security Commission and the Council for Peace and Security in Central Africa.

We are attempting as much as possible to ensure that the various activities organized by the Standing Advisory Committee to promote a culture of peace are not overshadowed by the conflicts that are currently affecting some countries in the subregion.

In conclusion, Cameroon would like to launch an appeal to all the parties engaged in the various armed conflicts to guarantee the security of civilians. They must also take adequate measures to guarantee access for humanitarian services to vulnerable populations. Finally I would like to pay a special tribute to the delegation of Norway for the central role it has played in the Council in the discussion of the question of the protection of civilians in armed conflict. We would like to thank them.

The President (*spoke in Spanish*): I would like to thank the representative of Cameroon for his kind words addressed to me.

Mr. Cunningham (United States): I want to join others in thanking you for joining us today. Your presence here helps us emphasize the importance of the work being done on this important subject. I would also like to thank the Secretary-General, the Director-General of the International Committee of the Red Cross and Under-Secretary-General for Humanitarian Affairs and Relief Coordinator Oshima for their statements and their comments and, more than that, their commitment.

I want to commend the Secretary-General, Under-Secretary-General Oshima and their colleagues. The report of 26 November is very helpful in organizing our ongoing efforts in pulling together a lot of information in a very good format.

My Government has long believed that the safeguarding of civilians from the devastating effects of armed conflict is at the very heart of the United

Nations Charter. Our fondest wish would be that this Council could protect from harm all those who are subject to aggression, insurgencies and Governments that prey on their own people. And while it cannot, there is much we can do to achieve that goal.

The Secretary-General and the Office for the Coordination of Humanitarian Affairs have given us some good direction for the way ahead. I think they have been quite successful in promoting a more consistent and systematic consideration of the many issues involved and of the steps this Council can take to promote the protection of civilians.

The general principles of providing humanitarian access to vulnerable populations, the separation of civilians and armed elements and the restoration of the rule of law, justice and reconciliation are all fundamental to the protection of civilians and are fully supported by the United States. These are important issues that we need to continue to discuss in the future. We support the idea of further developing a road map and the implementation of many of the objectives it calls for. Member States need to be involved in this process and help make such considerations part of the fabric of our work. Many of us, as we have seen in today's discussion, want to carry this work forward.

The United States reiterates its support for the Secretary-General's efforts to protect civilians in armed conflict. We encourage the Secretary-General and other key actors in the United Nations system to continue the dialogue on how United Nations organs can better work together to promote protection and to present country-specific recommendations for the Council's consideration.

Mr. Mekdad (Syrian Arab Republic) (*spoke in Arabic*): Allow me at the outset to express to you, Madame Foreign Minister, how delighted my delegation is to see you presiding over this important session, whose item under consideration is of utmost concern to the peoples of the world. Allow me also to thank the Secretary-General, Mr. Kofi Annan, for his rich statement to us at the beginning of this meeting. I cannot also fail to thank Mr. Oshima, Under-Secretary-General for presenting the Secretary-General's report. I should also like to thank the Director-General of the International Committee for the Red Cross (ICRC) for the comprehensive statement he made just now.

The decision by the Security Council to keep this item at the top of its agenda shows the great importance that the Council attaches to this issue, especially since civilians are the primary victims of today's conflicts. Unfortunately, women and children make up an unprecedented number of the victims of such conflicts.

Two and a half million people were directly killed in the conflicts in the past decade. About 31 million were either expelled or uprooted from their homes because of armed conflicts. This is a very wide circle of human misery.

The Middle East is a clear example in that regard. The latest period has witnessed more acts perpetrated against the defenseless Palestinian people. The Israeli forces of occupation have a record replete with criminal activities, with about 2,000 martyrs and thousands of wounded among the Palestinian civilian population in the last two years alone. This is a crime of genocide being perpetrated by Israel. Palestinians — children, women and the elderly — are being killed by military aircraft, tanks and missiles used by the Israeli army. We all have become aware of the killing of 10 Palestinian civilians at the end of last week, including two workers of the United Nations Relief and Works Agency for Palestine Refugees in the Near East. Three United Nations personnel have been killed by Israel in the past fortnight alone. My delegation would like to thank the Secretary-General of the United Nations for his strong condemnation of such Israeli acts.

Under the pretext of fighting terrorism, Israel has also most heinously exploited the international consensus on combating terrorism established following 11 September to combat the just Palestinian cause. Israel continues its attempts to classify resistance to occupation and resistance in self-defence and in defence of land and dignity as terrorism, which runs counter to every norm of international and humanitarian law. Syria for many years has called upon the international community — and, indeed, has cooperated with it — to condemn terrorism in all its manifestations, particularly State terrorism. Paragraph 24 of the Secretary-General's report refers to the tragedy of the Palestinian people:

> "Ms. Catherine Bertini, the Secretary-General's Personal Humanitarian Envoy to the Occupied Territories, reported in August on the mounting humanitarian crisis, describing it as a crisis of access and mobility. She highlighted the impact on civilian populations of loss of access to

basic needs and services, including medical treatment and education, because of curfews and closures, while other services, such as food supplies and water, are blocked from reaching communities." (*S/2002/1300, para. 24*)

The Secretary-General has presented a series of reports — for which we are grateful — on violations of human rights in armed conflict so that United Nations bodies, including the Security Council, may further consider the issue. In his current report, he calls upon the Security Council to take steps to guarantee the protection of civilians in armed conflict. My delegation understands fully the compelling reasons for the recommendations contained in the Secretary-General's report. We are fully prepared to discuss the measures he has put forward, with a view to reaching agreement in the Council on them.

The issue of access to vulnerable populations is a primary challenge and a very complicated and multifaceted issue that involves a number of entities. Protection and assistance programmes serving millions of vulnerable people are sometimes abused. At times, they may be delayed or even rejected, producing destructive results. My delegation therefore highly appreciates the efforts made by the International Committee of the Red Cross (ICRC) to provide assistance and to reveal the negative consequences of the failure of assistance to reach the right people at the right time and place.

My delegation also notes the fact that the report of the Secretary-General has rightly focused on the particular suffering of children in armed conflict and on the great importance that the international community must attach to that situation and to the particular conditions of women and older persons in armed conflict.

The increasing cooperation between the various bodies, departments and agencies of the United Nations is of utmost importance in promoting the efforts of the Organization to protect civilians in armed conflict. In that regard, we welcome the current cooperation between the Department of Peacekeeping Operations, the Department of Political Affairs and the Office for the Coordination of Humanitarian Affairs.

Although half a century has passed since the adoption of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, and although most States are now party to that Convention, there is still a wide gap between the Convention's norms and their implementation in armed conflicts. In that regard, some States hide behind the pretext of particular circumstances to continue to act in ways that run counter to the provisions of the Convention. We believe that the international community has a special responsibility to condemn and end such actions. That requires that the international community quickly and seriously implement international instruments on the provision of legal and civilian protection, in accordance with international humanitarian law, and that it increase pressure in this regard. The delegation of the Syrian Arab Republic calls for justice and reconciliation in addressing the root causes of conflict, so as to be able to avoid resorting to violence.

The Secretary-General's report includes a number of recommendations and observations. We have read them very carefully, and believe that they deserve careful and in-depth consideration. Those who have spoken before me have highlighted the elements to which they believe the Security Council should give special consideration. In order to save time, it would not be useful to repeat them in my statement.

In conclusion, allow me to thank the President and her delegation most sincerely for the excellent preparations they have made for the Council's consideration of this item.

The President (*spoke in Spanish*): I thank the representative of Syria for his kind words addressed to me.

Ms. Lee (Singapore): At the outset, I would like to welcome the President to New York and to thank her for presiding over this high-level meeting on the protection of civilians in armed conflict, particularly on this special day celebrating world human rights. We also appreciate the time that the Secretary-General, the Under-Secretary-General for Humanitarian Affairs and the Director-General of the International Committee of the Red Cross (ICRC) have taken from their busy schedules to be with us today. We are also grateful to the Secretary-General for his very useful report, and to Mr. Oshima and the Director-General of the ICRC for the comprehensive briefings they have given us.

We found the Secretary-General's report — with its focus on the three key areas of humanitarian access, the separation of combatants from civilians and the rule of law, as well its recommendations on how to tackle those issues — to be a very useful document. We

particularly appreciate the identification of the three emerging challenges and the preview of the road map for the protection of civilians. From the briefing by Under-Secretary-General Oshima, we now have a clearer picture of the practical implementation of the road map and of the laudable efforts undertaken by the Office for the Coordination of Humanitarian Affairs (OCHA). What we have seen is a good start and we look forward to it being further refined.

In the First World War, nine soldiers died in battle, for every civilian death. But in the twenty-four conflicts currently taking place in the world, ten civilians die for every soldier who perishes. How do we explain this drastic reversal in the short space of less than a century? The answer is simply that we live in a world today where civilians have become the legitimate targets of violence. Parties in conflict turn to the civilian population as resources for waging further war, and men, women and children are characterized in stark binary terms.

How then, can we protect civilians from undue military violence or threats of violence? The United Nations, of course has always taken a key role on this issue. In this regard, the Aide Mémoire adopted by the Security Council in March 2002, in S/PRST/2002/6, is an important contribution by the Council. But as we have said many times in the past, the Council will not be judged by the amount of paper it produces, but by the impact of its decisions.

In this regard I would like to make three points. First, there needs to be less talk and more action. The Council has often been accused of not responding to situations which demand a fast and effective response. It has been said that while civilians perish in the field, we sit here in New York debating the issue. But the idea of humanitarian intervention is a complex issue, as ongoing debates have shown. Is there a right of intervention? If so, how and when should it be exercised? Who might authorize such an action? These questions have been debated *ad infinitum*, *ad nauseam*, and still, there is no agreement.

While that debate continues, what the Council can at least do now is to include a component on the plight of civilians in all of its relevant resolutions. The March 2002 Aide Mémoire is particularly important in this regard. The Council can use its provisions to assess whether current missions have been effective in protecting civilians or if we need to adjust the mandates. The Aide Mémoire is also a continuous reminder that we need to incorporate this aspect into new missions.

Like other speakers, we also feel that the seminar on the Mano River Union, held by the United Kingdom Council Presidency in July 2002, and the stop-taking that we made on the mandate of the United Nations Mission in Sierra Leone with regard to the protection of civilians, was a good first step. We should build on this, perhaps by setting up a structured mechanism to ensure that we also take stock of the other mission mandates periodically.

My second point relates to a familiar and often used phrase to the effect that prevention is better than cure. Clearly civilians would be in a far better position if there were no armed conflict at all. However, while this utopian world is beyond our grasp, there are certain factors that are generally acknowledged as root causes of conflict. Indeed, the European Commission has come up with a checklist of factors which include the legitimacy of the state, rule of law, sound economic management and the geopolitical situation. With such checklists, it is hoped that all United Nations bodies, together with regional organizations and national Governments, would be able to work together to nip potential conflicts in the bud.

At the same time, the Council should react proactively and act collectively to prevent conflict. Unfortunately, the culture of prevention has yet to take hold. Furthermore, the Council lacks a structured mechanism that could be implemented to deal with conflict prevention. In future, the Council needs to consider whether such a mechanism could be established. This would allow the Council to respond promptly when it receives reports of a potential conflict brewing.

My third and final point relates to the emerging challenges identified in the Secretary-General's reports. We support wholeheartedly the proposed actions that could be taken to combat sexual exploitation and the illegal exploitation of natural resources.

As for the issue of terrorism, we agree that it has wide ranging implications for the protection of civilians. Increasingly, civilians are not only the usual — if this word can be used in such an unhappy context — victims of terrorist attacks, some will also and unavoidably be the victims of pre-emptive and retaliatory actions. In this regard we welcome the

Secretary-General's intention to further study this issue and to formulate clear guidelines for future work for the protection of civilians in armed conflict, where terrorist organizations are involved.

We think the logical next step would be for the Aide Mémoire, which is a living document, to be revised, where relevant, to include inputs on all three emerging challenges. This could also be included in the roadmap once it is finalized. We fully agree with the Secretary-General's point in the statement he made earlier this morning, that what is now needed is practical action.

The President (*spoke in Spanish*): I thank the representative of Singapore for her kind words addressed to me.

Mr. Jingree (Mauritius): Let me first express my delegation's joy in seeing you, Madam Minister, preside over our deliberations today. Your presence is a testimony to the importance which you and your country attach to the Security Council and my delegation wishes to pay tribute to your very able team, led by the distinguished Ambassador Valdivieso, for the very positive contribution it has made in the work of the Council.

We also welcome Mr. Helgesen, Deputy Minister for Foreign Affairs of Norway, in today's meeting.

I wish to join other speakers in thanking the Secretary-General for his introductory message and for the very comprehensive report before us. Our thanks go also to Mr. Kenzo Oshima, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Co-ordinator, for introducing the report of the Secretary-General, and to the Director-General of the International Committee of the Red Cross (ICRC) for his presentation.

The question of protection of civilians in armed conflicts has taken on an altogether new dimension in the world today and constitutes a serious challenge to the international community. During conventional wars, civilians, especially women and children, enjoyed a certain measure of safety and protection in the sense that the scene of battle was confined to well known and defined areas and every effort was made to avoid civilian casualties, in accordance with international humanitarian laws. Such wars were mostly fought between State actors which, in one way or another, subscribed to international treaties.

In today's armed conflicts, which have become mostly intra-State conflicts, civilians not only lack any protection, they are in fact the first and very often direct victims of the fighting. In many cases, civilians are specifically used as targets to attract attention, while in other cases they are used as human shields to avoid attacks. Most of these conflicts are led by non-State actors, rebels and warlords who do not feel bound by any humanitarian treaty.

The recent terrorist attacks in New York, Washington, Bali and Kenya, which have aimed principally at causing the greatest loss of civilian lives, have shown that new instruments need to be devised to ensure the protection of civilians in these circumstances. In this context, we fully support the recommendations of the Secretary-General relating to the elaboration of an appropriate roadmap to address these issues. My delegation believes that priority should be given to the following areas.

It has been established that the proliferation and trafficking of small arms and light weapons represent a major cause which continue to fuel armed conflicts throughout the world, with their devastating effects on civilians. Likewise, the incomplete disarmament, demobilization and reintegration programmes in many regions, especially in those where there is great mobility of former combatants and rebels groups, continue to pose a serious threat, not only to civilians, but also to overall peace and stability. For example, numerous anti-personnel landmines in several countries, many of them in Africa, remain a serious danger to millions of innocent civilians, especially women and children.

In all these cases, it is imperative that we take a comprehensive and regional, if not a global approach towards addressing these issues. Unless we do so, conflicts will continue and civilians will continue to be affected. My delegation, therefore, urges the international community to devote more resources to such issues and elaborate concrete measures to address them.

The presence of armed groups and sometimes their blending with the civilian population result in situations where civilians become innocent targets of raids and reprisals by opposing factions or even by Government forces. Numerous civilian casualties have been caused by Israeli forces, for example, in their attempts to pursue suspected leaders of suicide bomb

attacks in the Middle East. In other places, such as in Democratic Republic of the Congo, the rebels mingle among the refugees. It is, therefore, important that those armed elements are separated from ordinary civilians. More efforts need to be made in the screening of refugees to ensure that rebels and other armed elements are not allowed into refugee camps. Since most refugee camps are located near the borders, such elements use those camps as their base both to benefit from refugee services and to carry out their rebel activities.

The situation of internally displaced persons during armed conflicts is also of great concern. Between 25 million and 30 million internally displaced persons, half of whom are children, have lost their homes owing to internal conflicts. Statistics show that the number of the world's internally displaced is larger now than it has been at any time in the past five years. Though the primary responsibility for protecting that group of civilians rests with Governments, the United Nations and other international agencies have a shared responsibility to protect and assist the internally displaced, in particular, during conflicts.

The problem of access by international aid workers to affected areas also needs particular attention. In many conflicts, safe and unhindered access to vulnerable civilian populations by relief workers is granted only sporadically, if at all. Access is often denied, and to make matters worse, aid workers themselves are attacked, kidnapped or harassed. My delegation unequivocally condemns such behaviour, which we consider totally unacceptable. We pay tribute to the scores of international aid workers, particularly those of the International Committee of the Red Cross (ICRC), whose Director-General's presence in the Chamber today we acknowledge, for their courage and dedication in bringing relief to affected civilian populations. It is imperative that armed groups, irrespective of the cause for which they are fighting, understand that they have to ensure the safety of civilians and provide unimpeded access to international aid workers. We, therefore, support the proposal that conditions for humanitarian access need to be included in all framework agreements signed between State and non-State actors.

Unarmed civilians, including children, are regularly being killed in cold blood during armed conflicts involving non-State actors. Such criminal acts cannot remain unpunished. The perpetrators of those heinous acts against innocent civilians must be brought to justice through either national or international courts. With the entry into force of the Rome Statute of the International Criminal Court (ICC), the perpetrators need to understand that they are no longer beyond the law. We are pleased to note that attacks intentionally directed against personnel involved in humanitarian assistance or peacekeeping missions have also been categorized as war crimes by the ICC Rome Statute and that the Court will be able to bring to justice those responsible for serious violations of humanitarian law.

Finally, we look forward to contributing constructively to the presidential statement that the representative of Colombia will soon make. Such an important issue should be kept high on the Council's agenda.

The President (*spoke in Spanish*): I thank the representative of Mauritius for his kind words addressed to me and to Ambassador Valdivieso and my delegation.

Mr. Wang Yingfan (China) (*spoke in Chinese*): At the outset, I wish to welcome the fact that you, Madam President, are personally presiding over today's meeting. I also wish to thank the Secretary-General for his report (S/2002/1300) and statement. I also wish to thank Under-Secretary-General Oshima and the Director-General of the International Committee of the Red Cross (ICRC), Mr. Gnaedinger, for their statements.

The Security Council has considered the question of the protection of civilians in armed conflict on many occasions. Security Council resolutions 1265 (1999) and 1296 (2000) and the aide-memoire adopted early this year have provided important guidelines. We commend the Secretary-General and the United Nations agencies for their efforts, including taking fully into account the impact on civilians when formulating and carrying out strategies and goals in the political, security and humanitarian fields, cooperating with regional organizations to widely publicize knowledge and experience in the area of protecting civilians and drawing up a road map covering work in the political, legal, humanitarian, disarmament and peacekeeping spheres. We encourage the United Nations agencies to continue to strengthen cooperation and coordination, further refine and improve the road map for protecting civilians, establish a relevant

timetable at an early date and clarify the division of responsibilities between the various agencies.

To thoroughly resolve the question of the protection of civilians in armed conflict, we must eliminate the root causes of conflict, eliminate poverty, promote economic development and national reconciliation and safeguard national stability. It also needs to be stressed that the responsibility for protecting civilians lies mainly with the Government of the country concerned and the parties to the conflict. The parties to the conflict must strictly abide by international humanitarian law, strictly distinguish between civilians and combatants, prevent injury to civilians and allow humanitarian assistance to reach vulnerable populations in an unimpeded manner. As far as the Security Council is concerned, if more can be accomplished in the prevention and the timely settlement of conflicts, that would be an important contribution to protecting civilians from being harmed in armed conflict.

I wish to point out that the restoration of peace and stability to conflict areas in Africa is an urgent task before the Security Council. Among those tasks is the work of disarmament, demobilization, repatriation, resettlement and reintegration. That is very important with regard to former combatants. The international community should increase its input and participation in that regard.

It must also be pointed out that, due to Israel's military actions, blockades and curfews, the humanitarian situation in the occupied Palestinian territories continues to deteriorate. Many basic needs of innocent Palestinian civilians, such as water, medicine and education, cannot be met. Israel should lift its blockades and curfews against the Palestinians and facilitate international humanitarian relief work as soon as possible. Israel and Palestine should respond to the efforts of the international community to achieve peace and emerge from the cycle of violence as soon as possible. Otherwise, we cannot even begin to speak of the problem of protecting innocent civilians, both Palestinian and Israeli.

Mr. Thomson (United Kingdom): I would like to begin by expressing my delegation's thanks to the Secretary-General and the Office for the Coordination of Humanitarian Affairs (OCHA) for producing the report (S/2002/1300) we are discussing today. We know that OCHA has worked hard to ensure a more systematic presentation of the issues.

We think that it is important that the latest report builds on the framework set out by the aide-memoire adopted unanimously by the Council in March (S/PRST/2002/6, annex). We need this common, agreed reference point as a basis for strengthening our own response and for providing direction to the various organizations required to fulfil their respective roles.

Given the subject under discussion, it is a particular pleasure to see Mr. Gnaedinger, the Director-General of the International Committee of the Red Cross, in the Chamber. And we warmly welcome your presence, Madam President, and that of the Deputy Foreign Minister of Norway.

The United Kingdom is happy to align itself with the European Union statement to be made later by Denmark. The subject under discussion is a high priority for the United Kingdom that we wish to see remain prominent on the Council's agenda. I would therefore like to make a number of points in a national capacity.

Most important, the United Kingdom agrees strongly with the point made by the Secretary-General in his introduction: we need to move now from policy to practical implementation. That point was underscored in Mr. Oshima's very helpful presentation. And it is why the United Kingdom sponsored the European workshop, one of the six regional workshops referred to in the report, in an effort to operationalize the aide-memoire.

The conclusions of that workshop, which was attended by a wide range of Government officials and United Nations and non-United Nations practitioners, closely reflect the report's key observations. Those conclusions included, first, that there is a need to get on and implement the aide-memoire more proactively, rather than seeking to refine the normative framework. As the aide-memoire is an agreed document of the Security Council, we need to continue to consider what needs to be done to promote it actively and how we can encourage others to do so. Secondly, we need to consider how to engage non-State actors in the protection of civilians. Thirdly, a clear idea is needed of what the protection needs are of civilians caught up in conflict and how protection is best provided, secured and sustained. On that basis, we must determine who is

responsible for providing that protection. The report brings those points out well.

From the report, we would like to highlight the following United Kingdom concerns and to pose the following associated questions. First, with respect to the issue of greater use of inclusive framework agreements, we agree that they can offer useful ways of ensuring access to vulnerable populations, especially where a lack of structured relations with non-State actors can impede access and stop relief efforts. The experience of the Sudan is instructive in that context. And we would like to know more about how the approach adopted in the Sudan has worked to enhance prospects for wider peace and security. With this in mind, can Mr. Oshima perhaps identify other country or regional situations currently on the agenda of the Council which could benefit from such framework agreements or similar approaches?

A further concern is the sending of multidisciplinary assessment teams to areas of emerging crisis. The report is very clear about the heightened threats to the security of civilians posed by the failure to separate civilians from armed elements, especially in refugee camps.

The United Kingdom has consistently called for work in the area of protection of civilians to be an integrated and cross-cutting issue in terms of United Nations handling. And multidisciplinary assessment teams make a good match with this requirement. We think that early feedback on how those teams have worked would be useful for informing the future response of both the Security Council and the wider United Nations system.

We also welcome the efforts of the Department of Peacekeeping Operations (DPKO) to develop comprehensive rule-of-law strategies in the context of promoting justice and reconciliation. But we would stress the need to incorporate existing United Nations efforts in this area of work so as to avoid duplication and to promote coherence and genuine cross-cutting integration within the system. So, we would like to ask how DPKO's efforts will fit in with the mandate of the United Nations Development Programme in this area and with the work of the Department of Political Affairs, for example.

We strongly support the emphasis in the report on core principles that represent the minimum standards of conduct for United Nations personnel. The Secretary-General's call for a zero-tolerance policy for those in breach of those standards, we think, demands nothing less. Both civilians and peacekeepers must be held accountable for violations. We want to see tougher action taken in this respect and want training programmes to continue to emphasize the importance that the Council attaches to it. So, the United Kingdom will continue to support DPKO's Best Practices Unit in further developing this issue, and we will work to ensure that our funding of both the United Nations and non-United Nations-agency relief work reflects the importance of our concerns in this area.

We also need to consider how the protection of civilians agenda can be used as a framework which can link other, related issues on the agenda of the Security Council, such as those dealt with in Security Council resolution 1325 (2000) on women, peace and security and resolution 1379 (2001) on children affected by armed conflict. The report touches on this issue but perhaps does not go into enough detail on how we can encourage a more integrated approach in dealing with these issues. I would like to ask Mr. Oshima how we can improve our work in this respect.

A further United Kingdom concern is to underline the obligation of Governments to respect and observe international humanitarian and human rights law as the basis for protecting civilians. Mr. Gnaedinger spoke eloquently on this. Failure to do so will jeopardize efforts aimed at peace and long-term security and development. The report makes those links very clear. Governments need to respect those obligations in the context of ensuring the safety and security of United Nations personnel. The killings of United Nations relief workers are an affront to the Geneva Conventions and to international humanitarian law.

We need to develop an accountability structure that rewards a proactive approach to protection issues. With this in mind, we welcome the efforts of the South African Government to raise the profile of the issue within the African Union. The New Partnership for Africa's Development is a good basis for this, we think. Broad-based economic growth and gains from development will be lost for many Africans if protection of civilians issues are not dealt with first in the context of conflict prevention measures. We hope the findings from the recent Johannesburg and other regional workshops can feed into that strategy.

My delegation thinks that the Security Council also needs to consider how it can be more proactive in enhancing protection measures. We have already committed ourselves as a Council to doing this, as a scan of the language contained in Security Council resolution 1296 (2000) makes clear. We need to keep the protection of civilians in mind right across the spread of countries already on our agenda. We also need to encourage the Secretary-General's use of Article 99 of the Charter in this respect.

While welcoming the recent strengthening of the United Nations Organization Mission in the Democratic Republic of the Congo, the United Kingdom is increasingly concerned about the threats to the protection of civilians in the Ituri region of the Democratic Republic of the Congo, and also in Burundi.

We need to promote the use of the aide-memoire as a living document, updated on a case-by-case basis, as we agreed in our discussion on 15 March this year, and as set out in the presidential statement (S/PRST/2002/6). That was the intention of our one-day workshop, held during the British presidency in July to highlight how the Department of Peacekeeping Operations and OCHA were working in the context of the drawdown of the United Nations Mission in Sierra Leone. We are glad to read in the report that that was a useful event.

We need to ensure that we develop systematic ways of dealing with the issues surrounding the protection of civilians. As the July workshop outlined, the Department of Peacekeeping Operations, working with United Nations partners, has a vital role in securing protection measures. The Special Committee on Peacekeeping Operations should be encouraged to use the aide-memoire in its deliberations. We must also ensure, we believe, that the terms of reference provided to Special Representatives of the Secretary-General take protection of civilians issues fully into account.

A final concern is the link between the aide-memoire and the road map, which we still find a little unclear. With respect to the road map, when can we expect roles and responsibilities to be clarified and agreed? And how will the road map and the aide-memoire fit together?

In closing, the United Kingdom would like to pay tribute to the efforts of the Governments of Norway and of Canada in elevating the profile of this subject on our agenda. There is no doubt that their efforts have resulted in raising our awareness of the challenges surrounding the issue and of the cost to peace and security if we ignore it.

We look forward to further updates from OCHA and the Secretary-General on this subject and would be happy with the timings recommended by Mr. Oshima.

The President (*spoke in Spanish*): I thank the representative of the United Kingdom for the kind words he addressed to me.

Mr. Karev (Russian Federation) (*spoke in Russian*): First allow me, Madam, to say how delighted we are to see you presiding over the Council as it discusses such an important issue: the protection of civilians in armed conflict. We would also like to express our gratitude to Secretary-General Kofi Annan, to Under-Secretary-General Oshima and to the Director-General of the International Committee of the Red Cross, Mr. Gnaedinger, for their important reports.

The protection of civilians in armed conflict continues to remain at the centre of the international community's attention, and there is good reason for this. Despite the fact that over the last half century a multitude of international instruments on human rights and humanitarian law have been adopted, in times of conflict completely innocent civilians continue to suffer, including children, women, the elderly and refugees, as well as humanitarian personnel who are providing assistance to them.

The unsatisfactory situation regarding the protection of civilians requires ongoing coordinated measures at the global, regional and national levels. We welcome the Secretary-General's report on this item (S/2002/1300), which seeks to provide a comprehensive analysis of the reasons for the violations of norms of international humanitarian law during armed conflict and to provide recommendations to increase the protection of civilians.

Russia is pleased at the progress that has been made over the past 18 months in enhancing the effectiveness of measures in this area, in particular the analysis of changing trends and, thus, of new conditions for the protection of civilians in armed conflict.

Many of the Secretary-General's proposals are in keeping with Russia's position. I refer to providing additional protection for vulnerable populations,

ensuring access to humanitarian assistance and prosecuting those responsible for crimes against international law, including through the International Criminal Court (ICC). We agree with the Secretary-General's view that the upsurge in terrorism is confronting us with new challenges with respect to activities that seek to protect civilians. It is the duty of each State to wage a relentless campaign against terrorism, whose very essence erodes the status of civilian populations.

Russia is also very concerned about cases of sexual exploitation and violence and trafficking in women and girls perpetrated by humanitarian personnel and peacekeepers. In that connection, we support the measures formulated by the United Nations to increase protection and care for vulnerable persons in situations of humanitarian crisis and conflict, in particular the adoption of core principles for the conduct of United Nations humanitarian workers.

However, we believe that the eradication of war from societies and the prevention and halting of conflicts are of crucial importance for the protection of civilians. Effective, commensurate international reaction is required for any crisis, including humanitarian crisis. This reaction should be based on the norms of international law and the provisions of the United Nations Charter. That implies that the Security Council bears primary responsibility in questions relating to the maintenance of international peace, that States must scrupulously comply with the rules of international conduct and that all parties to an armed conflict must comply with the norms and principles of international law, including international humanitarian law.

It is primarily States and the parties to an armed conflict that are required to protect civilians. However, international efforts, including efforts by the General Assembly, the Security Council, the Economic and Social Council and other United Nations structures may have an additional positive impact on accomplishing this task. It is important, however, that such efforts be properly coordinated so that in protecting civilians — and, indeed, on other issues — there is a strict division of labour, in accordance with the United Nations Charter and other international legal instruments.

In order to enhance the effectiveness of the Security Council's work in this area, and in the light of the Secretary-General's recommendations, we need to take fuller account of the nature of each specific armed conflict and, on that basis, to take action to protect civilians.

The mechanism for interaction between the Council and the representatives of the relevant regional and subregional organizations requires further improvement so that they can pool their capacities in resolving conflicts and protecting civilians. That cooperation should be based on the provisions of the Charter, in particular Chapter VIII, while respecting the prerogatives and the authority of the Security Council.

There are many other ways to protect civilians. These include improving the national legislation of States; the dissemination by States of knowledge about international humanitarian law; and strict compliance with the provisions of the Charter, the relevant decisions of the Security Council, human rights standards and the norms and principles of international law. States Members of the Organization, and the Secretary-General, should act more promptly in conveying appropriate information to the Council about situations that may pose a threat to the maintenance of international peace and security, including instances of the deliberate denial of safe, unimpeded access by humanitarian personnel to civilians or by the humanitarian assistance provided for them, as well as about other gross violations of the rights of civilians, if these pose a threat to international peace and security.

We hope that today's discussion will help to improve the work of the Security Council and that of other United Nations structures in protecting civilians and that it will give additional impetus to this endeavour.

The President (*spoke in Spanish*): I thank the representative of the Russian Federation for the kind words he addressed to me.

In view of the lateness of the hour, and with the consent of Council members, I will now suspend the meeting until 3 p.m.

The meeting was suspended at 1.05 p.m.

United Nations S/PV.4660 (Resumption 1)

Security Council

Fifty-seventh year

Provisional

4660th meeting

Tuesday, 10 December 2002, 3 p.m.
New York

President:	Ms. Barco	(Colombia)
Members:	Bulgaria	Mr. Tafrov
	Cameroon	Mr. Tidjani
	China	Mr. Wang Yingfan
	France	Mr. De la Sablière
	Guinea	Mr. Traoré
	Ireland	Mr. Corr
	Mauritius	Mr. Jingree
	Mexico	Mr. Aguilar Zinser
	Norway	Mr. Helgesen
	Russian Federation	Mr. Karev
	Singapore	Ms. Lee
	Syrian Arab Republic	Mr. Mekdad
	United Kingdom of Great Britain and Northern Ireland	Sir Jeremy Greenstock
	United States of America	Mr. Cunningham

Agenda

Protection of civilians in armed conflict

Report of the Secretary-General to the Security Council on the protection of civilians in armed conflict (S/2002/1300).

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

02-73011 (E)

The meeting resumed at 3.20 p.m.

The President (*spoke in Spanish*): I shall now make a statement in my capacity as representative of Colombia.

I wish to begin by expressing my country's gratitude to Secretary-General Kofi Annan for his inspired words at the beginning of this meeting. I should also like to thank the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Mr. Kenzo Oshima, for his presentation of the third report on the protection of civilians in armed conflict (S/2002/1300). In addition, I should like to thank the Director-General of the International Committee of the Red Cross, Mr. Angelo Gnaedinger, for his very valuable contribution to this debate. Moreover, my delegation welcomes the participation of delegations from countries that are not Security Council members, whose ideas and recommendations will help to guide the Council's work and will contribute to the formulation of the statement that will be issued later as an outcome of this debate.

The nature of wars has changed dramatically in the past century, particularly in the past decade. In the First World War, 5 per cent of victims were civilians; in the Second World War, that figure reached 50 per cent; and in the conflicts of the final decade of the twentieth century, it exceeded 90 per cent.

We are living during not only a terrible humanitarian crisis, but a crisis in the global humanitarian legal regime. Armed conflicts have worsened. Today, terrorism has taken that worsening to its maximum — terrorist acts are brutal and unbelievably cruel.

We are here at the United Nations to preserve universal public assets: the dignity of each and every human being, the right to life and the right to live without fear. These are public assets that can be preserved only by all of us working together in cooperation. That is the dimension of our shared responsibility. Here we see the relevance of the United Nations and understand the inescapable need to strengthen it so that it is able properly to deal with such new threats.

New wars and terrorism make it clear that the problem is no longer that crimes are being committed against civilians during armed conflict, but that — and this is even worse — current armed conflicts deliberately target unarmed civilians, civilian installations and civilian means of transportation. The victims are defenceless civilians.

When the first report on this subject was presented to the Council we had not formulated clear ideas about it. But 8 September 1999 was very different from 11 September 2001. In that earlier year, other reports commissioned by the Secretary-General, such as those dealing with the fall of Srebrenica and the chilling genocide in Rwanda, made it abundantly clear that civilians were the victims of terrible atrocity. Those two terrible tragedies should have been sufficient to remind us once and for all that great humanitarian tragedies can be avoided, or at least made less severe, if we learn from our mistakes and omissions.

Indeed, the Security Council has appropriate tools to protect civilians in armed conflict, as provided for in Chapters VI and VII of the Charter, as well as in various resolutions adopted in recent years on, inter alia, conflict prevention, children in armed conflict, the illicit trade in small arms and the fight against terrorism. I would like today to highlight in particular resolution 1325 (2000), in which the Council focused on the protection of women and the role that women play in conflict prevention and peacekeeping.

Colombia agrees with the comments of the Secretary-General in the section of his report (S/2002/1300) entitled "Rule of law, justice and reconciliation", that the restoration of the rule of law is fundamental to a country's capacity to emerge from a period of conflict into a sustainable peace and that, furthermore, it is necessary to strengthen its institutions for security and justice and to protect the fundamental rights and freedoms of its people.

We also agree with the Secretary-General's comments that there can be no long-term solution to security problems until a State has a national army and a police force that are well trained, well equipped, fairly paid and operating within a framework of a fully functional criminal justice system.

Colombia associates itself with those ideas because they reflect the elements that underlie the democratic security policy advanced by President Alvaro Uribe Vélez. It is a comprehensive policy whose strategies are designed to salvage and consolidate the democratic content of the concept of security, to re-establish public order and to promote

economic and social development. The policy is also designed to ensure the presence of the State in every part of national territory, to guarantee democratic debate and to provide the security needed by individuals for their own personal development and the full exercise their fundamental rights.

The clear determination of the national Government to achieve these objectives has had a truly encouraging effect. Colombians today appear more willing to play their civic role in the re-establishment of national security and to associate themselves with the State in restoring the rule of law. Our objective is to continue demonstrating these results in the conviction that the support of society as a whole is the best way of confronting those isolated groups that have been trying to destabilize our country for decades.

The spilling over of certain domestic conflicts, or the internationalization of such conflicts as a result of their association with criminal activities, shows us that a national problem cannot always be overcome or resolved at the strictly national level. It is necessary to approach such conflicts in the context of shared responsibility if we are to deal with related phenomena such as the worldwide problem of illicit drugs. This is particularly true at a time of terrorism, which constitutes a global threat to the community of democratic nations.

I should like, therefore, to reflect briefly on one of the important elements that the Secretary-General has reported as having emerged recently in connection with the protection of civilians: the commercial exploitation and illegal financing of both conflicts and terrorism. Colombia believes that three activities form part of this commercial exploitation and illegal financing that we must learn about and combat.

The first is the prosperous criminal industry of illegal drugs in all of its stages, which is much more profitable than the trade in blood diamonds and other resources that fuel armed conflicts. The second activity is the growing kidnapping industry, which seeks large ransoms in money or property and is sometimes used as a weapon of political blackmail — a substitute for the lack of popular support for such violent groups. The third is the criminal alternative to kidnapping: the widespread use of extortion.

All of these activities target defenceless civilians. In many cases, they encourage attacks against the vital infrastructure of a country, such as water supply systems, power lines, bridges and even sites such as churches and cultural centres that have traditionally been left alone. Furthermore, they sow destruction, death and anguish and cause damage that is either irreparable or very costly, thus negatively affecting the precarious well-being of millions of civilians. The risks are greater for civilians than for those who are trained to protect them.

We the people of the United Nations have a great challenge before us. This noble institution was created, among other reasons, "to save succeeding generations from the scourge of war ... and to reaffirm faith in fundamental human rights, in the dignify and worth of the human person".

In this mission, we have made undeniable achievements. Today there is an entire culture of human rights and respect for life, which we must now defend against new forms of violence and terrorism. We will make every sacrifice and spare no effort in continuing to proclaim and safeguard these universal public assets.

In this commitment, the global anti-terrorist legal regime, and in particular resolution 1373 (2001), must be swiftly, fully and rigorously complied with. Thus the certainties that crumbled on 11 September will begin to reassert themselves. Barbarity cannot be allowed to impose the cruelty of its methods.

Our commitment to combat all forms of barbarity must prevail. Our ideals must prevail also, so that our work is not so much protecting civilians in armed conflict, but rather preventing, in a timely way, intra-State and inter-State armed conflicts. We must work relentlessly in our campaign to eradicate the scourge of terrorism.

Colombia agrees with the idea that there is a shared responsibility in the lofty task of protecting human dignity. It is a responsibility that our country assumes with full determination.

I now resume my functions as President of the Security Council.

The next speaker inscribed on my list is the representative of Denmark. I invite her to take a seat at the Council table and to make his statement.

Ms. Løj (Denmark): I have the honour to speak on behalf of the European Union. The Central and Eastern European countries associated with the

European Union — Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia — and the associated countries Cyprus, Malta and Turkey, as well as the European Free Trade Association (EFTA) country member of the European Economic Area — Iceland — align themselves with this statement.

I would like to start by congratulating you, Madam President, on Colombia's presidency of the Council for the month of December.

Furthermore, I would like to thank the Secretary-General and the Emergency Relief Coordinator, Mr. Oshima, for having introduced the report before us. Their statements and the report itself provide good insights into the challenges facing us in our endeavours to address the question of how to protect civilians in armed conflict.

The European Union welcomes the recommendations contained in the Secretary-General's report. Together with the recommendations in the two previous reports, they provide a good basis for further action. The roadmap will provide a solid basis for the further development of the concept of the protection of civilians in armed conflict.

The European Union welcomes the recent initiatives taken by the Security Council, as well as by other United Nations bodies, to discuss the issue of the protection of civilians in armed conflict in relevant forums such as the Security Council's workshop on the Mano River Union in July. As stated by the Secretary-General in his report, the effective protection of civilians is critical for making peace processes succeed. The issue must remain at the top of our agenda.

During the First World War, 95 per cent of the victims were soldiers. In the wars of the twenty-first century, this is no longer the case. Today civilians — most often women and children — rather than combatants are the casualties of conflicts. We should therefore be aware, in discussing how to protect civilians in armed conflict, of the particular danger to which women and children are exposed.

Recent discussions on the follow-up of Security Council resolution 1325 (2000) have shown that we need to strengthen efforts to ensure gender mainstreaming in peacekeeping operations and in post-conflict reconstruction. The insights that women can provide are not always utilized to their fullest. Equal participation of women in our peacekeeping and peace-building efforts could help to ensure that the special vulnerabilities of women are taken into account. Furthermore, women can play an important role in brokering durable peace through their participation in peace operations and negotiations.

It is a cruel fact that armed conflicts affect a large number of children in many parts of the world. Many of them are uprooted from their homes, maimed or killed. Others are orphaned, abused and exploited. Protecting children in times of conflict is therefore crucial, both to alleviate suffering and to safeguard the future generations of the countries concerned. The European Union welcomes the efforts of the Secretary-General and of the Council itself to respect the need to protect children when formulating the mandates for United Nations peacekeeping and peace-building operations. Including child-protection staff in peacekeeping and peace-building operations is a promising new element in these efforts, as is the effort to strengthen the expertise available for these operations in the areas of human rights and of humanitarian and refugee law.

According to the Secretary-General, 31 million people — more than the populations of all of the Nordic countries combined — have been uprooted and displaced by conflict during the last decade. Many do not get a chance to return to their homes before a new violent conflict erupts. We need to ensure special protection for these internally displaced persons, particularly in times of armed conflict.

It is encouraging that an increasing number of States, United Nations organizations and regional and non-governmental organizations are making use of the Guiding Principles on Internal Displacement to strengthen the legal framework on the protection of internally displaced persons. We encourage all States and organizations to ensure a coherent implementation of these Guiding Principles. We also welcome the Agenda for Protection recently presented by the Office of the United Nations High Commissioner for Refugees (UNHCR), and look forward to cooperating in the process of its implementation.

Combatants mixing with refugees and internally displaced persons are a serious threat to the security of civilians in armed conflict. The European Union therefore fully supports the Secretary-General's recommendation that Governments should make use of

the aide-memoire adopted by the Security Council on 15 March 2002 and of UNHCR's Agenda for Protection in situations in which combatants and civilians are intermingled. This will ensure that international legal standards are observed when Governments respond to perceived security threats. UNHCR's cooperation with the national authorities in separating combatants and civilians in the Democratic Republic of the Congo and in Sierra Leone constitutes an important example of how to try to ensure that civilians are not dragged into zones of fighting.

Helping civilians in armed conflict is an essential part of our humanitarian efforts, but it can deprive humanitarian workers of their lives. On 22 November a United Nations worker, Iain Hook, was the latest victim. Mr. Hook was shot while trying to evacuate civilians and United Nations staff from a United Nations compound in the Jenin refugee camp. This deeply worrying incident not only was a tragedy for Iain Hook's family, it also draws our attention once again to the urgent need to ensure the security and protection of aid workers and humanitarian personnel at all times. Only then can we guarantee full access to civilians during conflict.

In this context, we appeal to all States to become parties to the Convention on the Safety of United Nations and Associated Personnel of 1994, and we support the ongoing efforts to improve the implementation of the Convention.

Ensuring the protection of civilians means securing that the danger of conflict is removed in the long run. In this regard, one of the first priorities must be a comprehensive disarmament, demobilization and reintegration programme to ensure that former combatants are disarmed and reintegrated into society. The European Union commends the efforts made by the United Nations, as well as by its funds and programmes, in this area.

The international community must ensure the prosecution of perpetrators of human rights violations and breaches of international humanitarian law. The European Union recognizes and respects the untiring and impartial efforts of the International Committee of the Red Cross, as guardian of international humanitarian law, to uphold the universally recognized rules of protection of civilians in armed conflict. We strongly support the work of the International Tribunals for the prosecution of genocide and other grave crimes in Rwanda and the former Yugoslavia, just as we remain strong supporters of the International Criminal Court.

In closing, I would like to reiterate the European Union's unfaltering commitment to protecting civilians in armed conflict. We stand ready to assist the Security Council and the United Nations system in ensuring this goal.

The President (*spoke in Spanish*): The next speaker on my list is the representative of Japan. I invite him to take a seat at the Council table and to make his statement.

Mr. Yamamoto (Japan): First of all, I wish to welcome the decision of the Security Council to convene this open meeting on the issue of the protection of civilians in armed conflict, as this is an issue of great concern to all Member States. I would also like to commend the work of the Office for the Coordination of Humanitarian Affairs in preparing the third report of the Secretary-General on this issue.

This report provides us with insightful analyses and practical observations on the subjects of access to vulnerable populations, separation of civilians and armed elements, as well as rule of law, justice and reconciliation, based on the actual experience of the various departments and organs of the United Nations that have been engaged in protecting civilians in armed conflict. It also identifies new challenges, such as sexual exploitation, commercial exploitation and terrorism, as well as their impact on the protection of civilians.

I would now like to make three brief comments on this important issue.

First, in our view, information on the activities at Headquarters should be widely disseminated to all regions of the world, while at the same time the views of partners from various regions should be duly reflected in the activities at Headquarters. Through such interaction, we would be in a better position to develop more practical and effective ways of protecting civilians in armed conflict. In this regard, my Government welcomes the workshops that have been held in South Africa and in Japan and looks forward to additional workshops that, we understand, will be convened in other regions of the world next year.

Also, we are of the view that all Member States need to be fully briefed on what the Security Council

has produced on this issue, including the aide-memoire, and in the future it is hoped that interested Member States will have an opportunity to express their views before the deliberations of the Security Council lead to some new outcome. In this connection, the Government of Japan welcomes the initiative that the mission of Norway and the Office for the Coordination of Humanitarian Affairs have taken to set up a support group on the issue of the protection of civilians in armed conflict, which would serve as a forum for an exchange of information and views among interested parties.

Secondly, it is important that the outcome of the deliberations on this issue be mainstreamed in other work of the Security Council, in particular when dealing with peace and the security of specific countries and regions. In this regard, it is highly desirable that actual peacekeeping operations be conducted along the lines suggested by the aide-memoire. Again, the efforts to promote dialogue among all parties concerned are very important.

In this connection, we need to have a credible roadmap that can translate the recommendations of the Secretary-General into practical measures applicable on the ground. We therefore welcome the provisional version of the roadmap contained in the report of the Secretary-General as an initial step in the right direction and we are ready to participate in the work of further elaborating it.

Thirdly, we welcome the progress that has been made so far in the area of coordination among the relevant departments of the Secretariat, as well as other organs of the United Nations system, which makes it possible to address this important issue more effectively. The Government of Japan believes that such coordination should be further strengthened and continuously reviewed. For example, in our view the application of various points in the aide-memoire to each peacekeeping mandate requires closer, more detailed and constant coordination between the Department of Peacekeeping Operations and the Office for the Coordination of Humanitarian Affairs.

Also, with regard to the issues of women, peace and security; children and armed conflict; and the protection of civilians in armed conflict, which are separate but closely interrelated, we believe the Council should address them in a coherent, more integrated manner so as to avoid any inconsistencies, confusion or duplication among the different organs that are assigned separately to carry out their duties under their respective mandates.

The protection of civilians in armed conflict is a task that should be addressed in all its complexity by the full array of partners, including warring parties, when necessary. Recognizing the gravity of the issue, we must continue to make every effort towards this end, even when a particular situation may seem desperate. I would like to conclude my statement by assuring the Security Council of the firm intention of the Government of Japan to continue to fully participate in these joint efforts.

The President (*spoke in Spanish*): The next speaker on my list is the representative of the Republic of Korea. I invite him to take a seat at the Council table and to make his statement.

Mr. Sun (Republic of Korea): First of all, I should like to extend to you, Sir, my congratulations on your assumption of the presidency of this Council for the month of December.

The task of protecting civilians from the physical threat of and deprivation by armed conflict remains a formidable challenge to the international community. The Secretary-General's observations and recommendations, contained in his third report, provide us with a comprehensive and in-depth account of the issue.

My delegation has been closely following the issue of the protection of civilians in armed conflict, particularly since we first introduced the subject of protection for humanitarian assistance to refugees and others in conflict situations during the Republic of Korea's presidency of the Security Council in May 1997.

It is noteworthy that we have witnessed a growing tendency to include the civilian protection element as a key guiding principle both in peace agreements between warring parties and in the mandates of the relevant United Nations peacekeeping and peace-building missions. The cases of Angola, Sierra Leone and the Democratic Republic of the Congo present relevant examples in one form or another.

In addition, the strengthening of the international legal regime for the protection of civilians offers another source of optimism. The entry into force of the

Rome Statute of the International Criminal Court last July and the work of the Security Council regarding ad hoc tribunals serve as a deterrent to potential perpetrators of acts of inhumanity against civilians. Thus, those legal tools explicitly counter the culture of impunity.

We welcome positive developments on the regional front in tackling this issue. The recent initiative of the Office for the Coordination of Humanitarian Affairs to hold a series of six regional workshops on the protection of civilians is a case in point. The Republic of Korea, along with other regional countries and relevant governmental and non-governmental organizations, participated in the East Asian session of the workshop programme held in Japan last month. Furthermore, the resolute commitment of the international community to protect civilians in armed conflict situations has been demonstrated by frequent high-level gatherings, such as special United Nations meetings on women, children and small arms.

However, final success in this field will invariably hinge on the willingness and ability of the parties directly involved in a conflict to abide by international humanitarian and human rights law and to rebuild their nation, including its judicial institutions, for the benefit of its civilians. The international community, under the guidance of the Security Council, should continue to meet its responsibilities by exerting pressure, when required, and should assist in nation-building to ensure a smooth transition process.

Let me now make a few comments on the new challenges identified by the Secretary-General, namely, gender-based violence, commercial exploitation of conflict and the global threat of terrorism.

First, my delegation has been deeply concerned about the cases of sexual abuse and exploitation committed by personnel of the United Nations and other international organizations. Such intolerable acts undermine the basic tenets of morality and neutrality that the personnel of the United Nations and other relevant organizations are bound by. My delegation believes that all preventive and disciplinary measures, including advance and in-mission training and the establishment of an adequate monitoring and reporting system, should be implemented in a consistent and effective manner.

Secondly, the Secretary-General's report sheds fresh light on the commercial aspects of conflict in the context of civilian protection. Rivalries over the control of natural resources often fuel and prolong armed conflicts, resulting mainly in the victimization of civilians. In that regard, we acknowledge the Security Council's efforts to use sanctions to counter the commercial exploitation of conflicts, as in the cases of Liberia and Sierra Leone. My delegation also believes that the efforts of the United Nations in this field would be further strengthened if combined and well coordinated with existing mechanisms of a voluntary nature such as the Kimberley Process on conflict diamonds.

Finally, rising international terrorism poses one of the gravest threats to the well-being of civilians. It further carries the possibility of compounding the intensity and intricacy of conflicts. In that regard, it is essential that the international community make a sustained effort to send a clear message against the involvement of international terrorism. My delegation is also of the view that all States Members of the United Nations, as a part of our counter-terrorism obligations under Security Council resolution 1373 (2001), should take concrete measures towards that end.

The President (*spoke in Spanish*): I thank the representative of the Republic of Korea for the kind words he addressed to me.

The next speaker is the representative of Switzerland. I invite him to take a seat at the Council table and to make his statement.

Mr. Helg (Switzerland) (*spoke in French*): Switzerland welcomes the convening of this open debate dedicated to the protection of civilians in armed conflict. It thanks the Secretary-General for his report (S/2002/1300) and notes with satisfaction its concrete and systematic nature.

The efforts of the Security Council on this issue have produced a significant set of recommendations. It is now necessary to ensure their implementation and, if necessary, to supplement them. I would like at the outset to say that my country fully associates itself with the views of the Human Security Network on the protection of civilians in armed conflict as they will be stated later by Austria.

The report of the Secretary-General describes efforts at the institutional level to ensure closer cooperation within the Secretariat, in particular between the Office for the Coordination of Humanitarian Affairs and the Department of Peacekeeping Operations. Switzerland welcomes these efforts to address different aspects of protection in a more systematic and coordinated fashion. Over the past decade civilian populations have been not only the main victims of the consequences of armed conflict but frequently the deliberate targets of acts of violence committed by parties to conflicts.

That development, which has been exacerbated by the upsurge of terrorist acts, which are indiscriminate by definition, goes against the fundamental principles of international humanitarian law and of human rights. Switzerland resolutely condemns all recourse to terrorist violence. It also emphasizes that the fight against terrorism, to which it subscribes entirely, must itself be conducted with full respect for international humanitarian law and human rights. Strengthened international humanitarian law, international justice and the principles of the rule of law are key factors for enhancing the protection of civilians.

Switzerland welcomes the entry into force on 1 July 2002 of the Rome Statute of the International Criminal Court. In its capacity as High Contracting Party to and the depositary State of the Geneva Conventions of 1949 and their Additional Protocols of 1977, Switzerland would like to take the opportunity of this debate to invite all States that have not yet done so to ratify the Additional Protocols as soon as possible. In the light of serious violations of the Conventions and of Additional Protocol I of 1977, Switzerland considers that it is timely to remind the High Contracting Parties that they are obligated, by virtue of article 89 of that Protocol, to act jointly or individually, in cooperation with the United Nations and in conformity with its Charter. That article is complementary to the obligation of the High Contracting Parties to respect, and to ensure respect for, international humanitarian law in all circumstances.

The report of the Secretary-General accords appropriate attention to the specific rights and needs of vulnerable groups. Switzerland welcomes the agenda for protection adopted at the last meeting of the Executive Committee of the United Nations High Commissioner for Refugees. The agenda should now be implemented without delay to bring about positive results on the ground, especially on behalf of refugees and other vulnerable groups. Switzerland is also convinced that the Guiding Principles on Internal Displacement provide an adequate response to the needs of internally displaced persons. We encourage the speedy implementation of those principles.

The report of the Secretary-General underlines the urgency of the issues of the security of humanitarian personnel and of access to vulnerable groups. I would like to pay tribute to the commitment and dedication of humanitarian personnel who are carrying out indispensable work in often precarious and even dangerous situations. Humanitarian workers are too often the victims of hostage-taking and attack. Such acts or threats often render impossible access to victims by humanitarian organizations. Safe, rapid and unimpeded access for humanitarian personnel to vulnerable persons is a basic condition for strengthening the protection of civilians. States, which are the main guarantors of the protection of civilians, as well as armed groups, must ensure the necessary access to vulnerable people. That is a primary responsibility stemming from international humanitarian law. Switzerland believes that a structured dialogue between humanitarian players and armed groups can facilitate access to vulnerable persons. For that reason, Switzerland supports the project that was launched by the Office for the Coordination of Humanitarian Affairs at the Inter-Agency Standing Committee to prepare a manual on the subject of the terms of engagement with armed groups.

It is also necessary to remind both local and expatriate humanitarian personnel that their conduct towards the beneficiaries of humanitarian assistance must be beyond reproach. In that regard, we welcome the promulgation of guiding principles for all United Nations civilian staff. We also call on humanitarian agencies and non-governmental organizations active in this field to adapt their codes of conduct to those principles and to ensure that they are respected.

Finally, the report of the Secretary-General reveals the criminalization of the economy of war. It also indicates that the illicit exploitation of natural resources continues to feed a number of conflicts throughout the world. Measures must be taken in this area, and the report of the Secretary-General provides

various approaches in that regard. I am therefore pleased to note that the main countries involved in the production of, or the trade in, diamonds agreed at Interlaken, Switzerland, last November to launch an international certification system. That system aims at combating the illegal trade in diamonds, which is financing numerous conflicts. The response of the international community to this challenge must also aim at raising the awareness of all actors, including private actors and economic players, and to encourage them to act responsibly with regard to the basic principles of international humanitarian law and human rights law. The first policy dialogue initiated in the context of the Global Compact has produced encouraging results. Switzerland will continue to provide active support for that initiative, which we believe is moving in the right direction.

In conclusion, I would like to reiterate the appreciation of the Swiss authorities for all the efforts that have been undertaken to date, in particular by the Office for the Coordination of Humanitarian Affairs. It is now necessary to implement the recommendations with determination and in a constructive spirit. Switzerland would like to assure the international community and the competent bodies of the United Nations of its unreserved willingness to cooperate fully to promote and bring about a culture of protection that benefits civilian populations.

The President (*spoke in Spanish*): The next speaker inscribed on my list is the representative of Canada. I invite him to take a seat at the Council table and to make his statement.

Mr. Heinbecker (Canada) (*spoke in French*): The Government of Canada would like to commend you, Madam President, for having taken the initiative to convene this open meeting of the Council on the critical issue of the protection of civilians in armed conflict. We also welcome the statements made today by the Secretary-General, the Director-General of the International Committee of the Red Cross and the Emergency Relief Coordinator. We would also like to associate ourselves with the statement to be delivered by Austria, on behalf of the Human Security Network. Most importantly, we salute the integrity, devotion and courage of humanitarian workers and peacekeepers, who risk their lives to provide physical protection and material assistance under the most difficult and dangerous of conditions.

The Government of Canada both welcomes the report of the Secretary-General and endorses its recommendations. His report is not merely a useful update, it also offers an important diagnosis of the current challenges we face in protecting civilians. The Secretary-General has rightly emphasized the priority issues that urgently require international action, namely, the increase in terrorism, the problem of gender-based violence and the commercial exploitation of conflict.

Civilian protection is an urgent priority. Despite the fact that we have repeatedly stated that the failures of Rwanda and Srebrenica must never be repeated, new and old forms of aggression continue to produce civilian casualties, both as collateral victims and, increasingly, as deliberate targets.

(*spoke in English*)

Distressingly, a recent study by the United Nations Children's Fund (UNICEF) showed that civilian fatalities in wartime have climbed from 5 per cent at the turn of the century, to 15 per cent during the First World War, to 65 per cent by the end of Second World War. Those figures have climbed to more than 90 per cent in the recent wars of the 1990s. The destruction of the World Trade Center in New York, the recent terrorist attacks in Bali and Mombasa, massacres in Burundi, indiscriminate killings in the Democratic Republic of the Congo — notably in the Ituri region — and wide-spread displacement in parts of Central Asia make it clear that civilians are on the front lines of modern conflict.

At its best, the Security Council has been a powerful vehicle of collective action to protect people — for example, in East Timor. But at its worst, it has seemed an indifferent instrument of abdication, turning a blind eye to the most vulnerable at their time of greatest need. The Council's inconsistency — everyone's inconsistency — compels us all to take effective steps, not only to prevent assaults on civilians, but also, where prevention fails, to react. The Secretary-General has called on all of us to take up this challenge, and it is our responsibility to do so.

We urge the Secretary-General to continue to direct the Council's attention to instances where action in support of civilian protection must be taken. He is uniquely placed to do so. For its part, the Council needs to re-visit its own performance at regular intervals, as it did in July 2002 on Sierra Leone.

We commend the Council for seeking to apply the principles of civilian protection in its deliberations on specific conflicts. This is evident in the design and monitoring of new sanctions regimes and of peace missions. It is also evident in the development of the aide-memoire adopted last March, which should be updated on a continuing basis.

Individual agencies have also made progress. This includes the development of field tools and operational procedures for improving cooperation and strategic planning between the Office for the Coordination of Humanitarian Affairs (OCHA) and the Department of Peacekeeping Operations (DPKO). We particularly applaud the regional seminars organized by OCHA, aimed at adapting the norms developed by the Council to regional realities. My Government was pleased to support the October policy seminar in South Africa as a contribution to building an alliance for the protection of civilians.

Encouraging advances have also been made on the difficult issue of separating armed elements from refugee populations. The Conclusion adopted in October 2002 by the Executive Committee of the Office of the United Nations High Commissioner on Refugees (UNHCR) and discussions held in the context of UNHCR's Global Consultations on International Protection are excellent examples of forward-leaning norm development.

It is also critical that States promote capacity building. In an example of one such effort, we have been deploying the Royal Canadian Mounted Police to the UNHCR operation in Guinea. This one-year pilot project will task officers to work with local authorities on community policing and camp security.

Valuable strides have also been made in upholding the rule of law and ensuring accountability for those who commit international crimes against civilians. The Special Court for Sierra Leone has now been established, in line with Security Council resolution 1315 (2000). Since the entry into force of the Statute of the International Criminal Court (ICC) on 1 July 2002, we have seen a decisive global movement in favour of accountability — with a dramatic increase in the number of ratifications, from 48 to 86. To support law, justice and international peace and security, the Council needs to support the ICC in its vitally important work.

In this regard, we again express our deepest disappointment that the Council chose this year of all years to put impunity above accountability, by adopting Security Council resolution 1422 (2002). The ICC has extensive safeguards for preventing politically motivated prosecutions. In its principle of complementarity, it explicitly recognizes the primary jurisdiction of sending States. We therefore hope that the entirely unnecessary and counterproductive message sent by that resolution last July will not be repeated when the resolution comes up again for discussion a year from that time.

We are fully conscious of the need to take urgent action to deal with the three challenges identified by the Secretary-General in his report. While the rise of terrorism has rightly demanded concerted action and response, such action must not be allowed to weaken the very legal and institutional mechanisms that shield civilians from the effects of conflict. We welcome in this regard the adoption in the Third Committee of the General Assembly of the draft resolution entitled "Protecting human rights and fundamental freedoms while countering terrorism". That draft resolution underlines the crucial responsibility of the State to fully respect international human rights and humanitarian law when taking counter-terrorism measures. We are very interested in the possibility of developing guidelines for future work on civilian protection in conflict areas where terrorist organizations are active.

Secondly, despite the advent of new mechanisms to investigate the illicit exploitation of natural resources, that type of exploitation continues. Even where we have been most effective in addressing war economies, through targeted sanctions or instruments such as the Kimberley Process, it is not yet clear if any of those methods have tangibly improved protection for ordinary people or built a sustainable peace.

More potent enforcement is required to target those who are repeatedly identified as sanctions-busters. In fact, the names of certain individuals can be found in every single one of the Counter-Terrorism Committee's reports. And there must be a way of bringing those people into line. In that respect, the Secretary-General's proposal that the Council consider imposing sanctions directed at companies and individuals involved in the plundering of resources in conflict situations merits attention.

Accountability and enforcement of core United Nations principles are at the heart of recent discussions on gender-based violence. In his introduction of his report to the Council on women, peace and security (S/2002/1154) to the Council, the Secretary-General stated that the United Nations will not tolerate sexual or other abuse by any staff — civilian, military or humanitarian. Like others, we join him in strongly condemning any form of sexual violence or exploitation. Civilian populations, in particular women and girls, must not be put at further risk by those whose job it is — acting on behalf of the international community, that is to say acting on our behalf — to provide physical protection and material assistance. We urge the Secretary-General to provide broad guidance to the entire United Nations family. We call on the Council to take up the Secretary-General's proposal to insert language in relevant texts, requiring follow-up to allegations of sexual abuse and exploitation.

The protection of civilians is a shared responsibility. It resides first and foremost with States; indeed, it is an essential element of a State's sovereign status. Protecting its citizens is the most fundamental obligation of a State. But there is a growing consensus that when States are unable or unwilling to protect their own citizens, the international community must engage. This responsibility was powerfully articulated in the report entitled "The Responsibility to Protect", by the International Commission on Intervention and State Sovereignty. Atrocities that shock the conscience of humanity cannot be allowed to stand, or those atrocities will never end.

While few beyond the Security Council have the authority or the capacity to compel Member States to act in support of civilian needs in situations of conflict, action and advocacy are not the duty of the Council alone. The General Assembly, regional organizations, United Nations operational agencies, non-governmental organizations (NGOs), the private sector and individual countries all have obligations. All need to be proactive in protecting the vulnerable.

Canada has argued from the outset that the protection-of-civilians agenda requires sustained and pragmatic commitment. The protection agenda will thrive on the development of norms and effective practice in specific instances. Our collective success will rightly be judged on whether we have reduced the vulnerability of civilian populations in conflict. Let all of us, but especially the members of the Council, resolve to protect those who most need our protection. History will judge this institution and its members harshly if we fail and positively if we succeed.

The President (*spoke in Spanish*): The next speaker is the representative of Chile. I invite him to take a seat at the Council table and to make his statement.

Mr. Valdés (Chile) (*spoke in Spanish*): Allow me at the outset to express a special and warm welcome on behalf of the delegation of Chile to you, Madam President, at having you preside over these deliberations. We also wish to acknowledge Colombia's important statement made in this debate and to express gratitude for the relevant remarks by the Secretary-General, the Director-General of the International Committee of the Red Cross (ICRC) and the Under-Secretary-General for Humanitarian Affairs.

For Chile, the item on the protection of civilians in armed conflict is one of the most important on the Security Council's agenda because of its content and humanitarian impact, as well as its importance to international peace and security.

Armed conflicts generate death and the displacement of civilians, including vulnerable groups that are forced into situations of extreme need, with consequences that impede development and reconciliation and both cause and fuel conflicts. At the same time, those adverse humanitarian consequences are themselves a threat to the international peace and security that the Security Council is called upon to preserve, as one of its main purposes under the Charter.

Today we reaffirm our political and humanitarian commitment to defending civilian populations affected by conflicts from the point of view of both the prevention and resolution of humanitarian crises and the prevention and resolution of the suffering endured by the populations of States subject to sanctions imposed by the Council, when such sanctions are not sufficiently targeted at authorities. Chile will continue to promote that humanitarian work when Chile takes its place as an elected member of the Security Council in the near future.

Since the second half of the nineteenth century, the period during which the modern norms of humanitarian law were formulated, to the present time, the world has witnessed, through successive wars and armed conflicts, both international and internal, the

growing seriousness of such conflicts, their devastating impact on civilian populations and the increasingly critical and urgent need to find a remedy to this great evil and the pain and injustice produced by it.

At the end of the cold war, in the discharge of its fundamental work of guaranteeing international peace and security, the Security Council, jointly with the Secretariat of the United Nations, embarked upon the important task of dealing specifically with that issue. The combined efforts of the various humanitarian institutions, both multilateral and non-governmental, and in particular the Office for the Coordination of Humanitarian Affairs and the Department of Peacekeeping Operations, allow us today to have substantive documents that facilitate review and decision-making on issues related to the protection of civilians in armed conflict. Of particular note in that regard this year are the Aide-Memoire annexed to the statement by the President of the Security Council, dated 15 March 2002, and the report of the Secretary-General to the Security Council on this matter, of 26 November 2002, both of which we welcome with appreciation.

As the last mentioned of those two documents indicates, it is civilians, more than combatants, who are the principal victims of conflicts today, with women and children comprising a high percentage of the victims. Some 2.5 million persons have died as a direct result of conflicts over the past decade, while 31 million were displaced during the same period. The report adds that that situation has been compounded by the upsurge in global terrorism as a new threat to civilian populations. That new threat can increase considerably the scale of suffering in the future and seriously affect the efforts of the international community to protect civilians, particularly to separate the civilian population from combatants.

On the subject of the protection of civilians in armed conflict, just as on other matters that are within the purview of the Security Council, Chile reaffirms as a matter of principle its strict adherence to the Charter, as a superior norm that governs the conduct of States. Chile promotes strengthening multilateralism to confront the crises that threaten international peace and security, as well as the strengthening of the system of collective security provided for in the Charter. In that regard, in order for the Council to be effective in its actions, it must maintain an active role in the prevention of armed conflicts and, in order to maintain its unity and promote strengthening of the Security Council, we believe that the solutions that the Council adopts should be decided upon by consensus, through transparent procedures and with the due participation of all of its members.

We believe that notions of peace and security transcend the State, because they are worth very little if they do not also take into account the conditions of security and dignity of individuals who live within the State, ensuring that they are free from fear, that their basic needs are met and that they enjoy equality of opportunity to develop their human potential. In that connection, Chile shares and supports the ideas and aims to be expressed during this debate by the representative of Austria, in his capacity as Chairman of the interregional group of countries known as the Human Security Network, of which we are a member.

Chile is particularly concerned about the civilian victims of armed conflicts. It, therefore, supports the humanitarian organizations that provide assistance to civilian populations in zones of conflict. They must be protected and supported by Governments. Chile also favours restricting recourse to sanctions, the use of which should be reserved for strictly necessary situations; their impact must be targeted at those who are directly responsible, ensuring that the civilian population is not affected. Chile also supports taking into consideration the social dimension of crises, since it believes that the Security Council has a role to play in addressing social threats that could affect international peace and security.

The third report of the Secretary-General, which serves as a core document for this debate, contains important information, some of which is specific in nature and concerns specific conflicts, while other elements are of a more general and abstract nature. It offers new, updated and structured background information on the complex variety of elements that must be taken into account in addressing the problems of civilian victims of conflicts and on the practical usefulness of its application in concrete situations, as well as with regard to situations and problems that will have to be resolved in the future on such issues as access to vulnerable populations, the separation of civilians from armed elements and respect for the rule of law, justice and reconciliation. The report concludes with an annex providing a "roadmap for the protection of civilians", which is comprised of a series of recommendations taken from earlier documents on the

subject. For that considerable effort, we wish to express to the Secretariat our deep appreciation and support, with a view to intensifying our efforts in the fundamental task of ensuring progress in the effective protection of civilians in armed conflicts.

The President (*spoke in Spanish*): I thank the representative of Chile for his kind words.

The next speaker inscribed on my list is the representative of Bangladesh. I invite him to take a seat at the Council table and to make his statement.

Mr. Chowdhury (Bangladesh): Madame Foreign Minister, congratulations are owed to you and to Colombia upon your assumption of the presidency of the Council. It was Bangladesh's privilege to work closely with Colombia, in general, and with my good friend Ambassador Alfonso Valdivieso, in particular, during our own membership on the Council last year. We appreciate your invitation to take part in the open debate on the protection of civilians in armed conflict. The United Nations was established to save people from the scourge of war. The responsibility to accord such protection lies with all of us. But the onus, under the Charter, lies indisputably with the Security Council.

In the past decade, armed conflicts claimed more than 2.5 million civilian lives. Some 31 million were displaced. The basic norms of our civilization were assailed. The international humanitarian laws were grossly and systematically violated. There were genocides, war crimes and crimes against humanity.

There have been cases of ethnic cleansing, mass murder, mutilation, abduction and unlawful detention. Children have been recruited forcefully, drugged, dehumanized and used as killing machines. Women and girls have been subjected to humiliation of all kinds. Rape has been used as a weapon of war. The kind of protection due to be provided was clearly not available. It is not too much to ask, therefore, that protection of civilians remains high on the Council's agenda.

The legal framework for protection has been progressively established by the Council in its resolutions and presidential statements since 1999. The report of the Secretary-General before us — the third on the subject — presents a multi-faceted policy agenda. They fall into three areas: humanitarian access, separation of civilians and armed elements and the rule of law, justice and reconciliation.

A roadmap proposed for protection comprises, inter alia, a legal framework, organizational capacities, prevention, implementation of sanctions and prohibitions, inclusion of protection in peacekeeping mandates and ending the commercial exploitation of conflicts.

The Security Council will have our support in elaborating the policy framework, as well as an agenda for action. To be effective, such an agenda would, however, need to be more than an ensemble of palliatives. Addressing the consequences is important. More important, perhaps, is the need to focus on the causes.

Let me roll the map out on the table. This map of failure of protection, of failure of prevention — Somalia, Srebrenica, Rwanda, Sierra Leone, Angola and the Democratic Republic of the Congo. We have reports on at least two of them — Srebrenica and Rwanda — and we are aware of the findings and recommendations. The question the Security Council would be invited to ask itself is what went wrong in each of those cases?

The conclusion of the Carlsson report is clear. Rwanda was a preventable genocide. It required a reinforcement of the United Nations Assistance Mission in Rwanda (UNAMIR). The Security Council, instead, reduced the Mission's size from 2,500 to 270, following the assassination of 10 peacekeepers. Srebrenica presents a similar scenario. Was it a failure to appreciate the imminent catastrophe? Or a failure of analysis? A failure of democratic decision-making? A failure to assume responsibility? The Council must be well aware that the answers lie in a combination of all these.

The ultimate success in Sierra Leone demonstrates the validity of arguments in favour of the Council's determination, the adequacy of the peacekeeping mandate, physical involvement of the major Powers or a directly concerned permanent member. On the Democratic Republic of the Congo, the Council has been slow to assume a substantial role and responsibility, in the full knowledge of the consequences of the war and the magnitude of human suffering. When the Council authorized a peacekeeping mission, it was with only a limited observation mandate and limited strength, while foreign forces fought deep inside the Congolese territory and the rebel militias continued to wreak havoc on civilian lives.

We welcome the Council's resolve to pursue peace in the Democratic Republic of the Congo and in the Great Lakes region. Bangladesh remains committed to making a further contribution to the United Nations Mission there. We have always argued in favour of strong United Nations involvement in the resolution of conflict. We continue to believe that the responsibility of the United Nations, especially with respect to maintaining peace and security, should not be constrained by lack of troops or by budgetary considerations.

The Secretary-General's report cites international terrorism as a major threat in the context of protection. Unresolved conflicts and the early withdrawal or failure of peace-building efforts have proved extremely dangerous. Abandoned, Afghanistan became a theatre of proxy wars. It also became a bastion of international terrorists. The Security Council remained stymied for too long with regard to addressing the crisis. We are all aware of the horrendous, resulting tragedies.

In the Middle East, civilian casualties are daily news, as are the killings in occupied Palestine and the toll of suicide bombings. The Secretary-General speaks of punitive measures directed at civilians, the denial of humanitarian access and a mounting humanitarian crisis. International law, including international humanitarian law, has universal validity. They must be applied in this case also. The Security Council must ensure it.

It is appropriate that the Secretary-General's report should include, as it indeed does, commercial exploitation of conflicts in the context of protection. The arms bazaar, of which Nobel Laureate Oscar Arias warned us a decade ago, has flourished in every conflict zone in the past decade.

The Council imposed sanctions and prohibitions, albeit without any effective implementation or monitoring mechanism. There have recently been some welcome changes. Effective implementation of sanctions on conflict diamonds crippled both Jonas Savimbi and Foday Sankoh. The Angola monitoring mechanism has yielded decisive results. The lifting yesterday of the sanctions against the União Nacional para a Independência Total de Angola (UNITA) bears witness to what a determined and unified Council can achieve. In the case of Liberia, results are yet to be evidenced. In the case of the Democratic Republic of the Congo, expert panel reports on the illegal exploitation of the country's natural resources — both cause and consequence of the protracted war — await concrete measures.

For real change to occur in these situations, there needs to be political commitment, the commitment of the major players, including regional Powers, and, of course, of all of us, the international community.

The President (*spoke in Spanish*): I should like to inform the Council that I have received a letter dated 10 December 2002 from the Permanent Observer of Palestine to the United Nations, which will be issued as document S/2002/1346, and which reads as follows,

> "I have the honour to request that, in accordance with its previous practice, the Security Council invite the Permanent Observer of Palestine to the United Nations to participate in the meeting of the Security Council being held today, Tuesday, 10 December 2002, on the report of the Secretary-General to the Security Council on the protection of civilians in armed conflict."

I propose, with the consent of the Council, to invite the Permanent Observer of Palestine to participate in the current debate, in accordance with the rules of procedure and the previous practice in this regard.

There being no objection, it is so decided.

I invite the Permanent Observer of Palestine to take the seat reserved for him at the side of the Council Chamber.

The next speaker inscribed on my list is the representative of Cambodia. I invite him to take a seat at the Council table and to make his statement.

Mr. Ouch (Cambodia): First, may I welcome you, Ms. Carolina Barco, Foreign Minister of Colombia, and thank you for chairing this important meeting. I also take this opportunity to thank your predecessor, Mr. Wang Yingfan of China, for conducting the presidency of the Council in an outstanding manner in November.

I also wish to acknowledge the presence of the Secretary-General and to thank him for his report, which forms the basis of the Council's deliberations today. We listened with great interest to the briefing given today by Mr. Kenzo Oshima, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator. I should like also to thank

Mr. Angelo Gnaedinger, Director-General of the International Committee of the Red Cross (ICRC), for his briefing.

Today is Human Rights Day, and we should remind ourselves that the protection of civilians is as much a human rights concern as it is a humanitarian issue.

We are facing troubled times. There is a serious threat of war lingering in the air. The role of the Security Council is and will continue to be very important in avoiding war and in resolving the world's problems in a peaceful manner.

Madam President, I am very grateful that you have convened this open meeting, because the subject being discussed is very important and affects all Member States. It is therefore important that the membership at large be heard on the important subject of the protection of civilians in armed conflict. This issue should be the central focus of United Nations operations and a key element in the establishment of peacekeeping operations.

The involvement of the Security Council in the issue of protecting civilians in armed conflict has been continuous and is based on Security Council resolutions 1265 (1999) and 1296 (2000) and on the letter of the President of the Security Council addressed to the Secretary-General on the protection of civilians in armed conflict, document S/2001/614. We would like to thank the Secretary-General for his report, document S/2002/1300 of 26 November 2002.

This is the third report on this important subject, and we equally acknowledge the excellent earlier reports, the first issued published on 8 September 1999 (S/1999/957), and the second dated 30 March 2001 (S/2001/331). Those reports present the facts about the realities confronted by millions of civilians around the world, and they outlined some additional steps that Member States could take to strengthen their own capacity to protect civilians in armed conflict. The stark picture of war and civil strife everywhere around the globe has led the United Nations, the ICRC, regional organizations and many other international agencies increasingly to devote greater attention to protecting civilians in armed conflict.

We agree with the Secretary-General, who, in his report of 30 March 2001 on the protection of civilians in armed conflict, called for the establishment of a culture of protection in which Governments and armed groups would respect the recognized rules of international humanitarian law, and in which Member States and international organizations would display the necessary commitment to ensure decisive and rapid action in the face of crisis.

The presence of so many dignitaries today not only reflects the importance of the subject under discussion but also attests to the fact that the protection of civilians is a complex problem, has many different faces and has not been conclusively defined. It involves diverse actors — international agencies and civil society — and approaches. The protection of civilians involves issues such as humanitarian access, justice and reconciliation, forced displacement, landmines, small arms, women and children in war and other matters.

While we fully agree that, in conformity with its mandate to provide peace and security in the world, the Security Council has a central role to play, we should also stress that the multidisciplinary nature of the problem requires an inter-agency approach. I am therefore grateful to note that the Inter-Agency Standing Committee is effective and that the Office for the Coordination of Humanitarian Affairs and the Department of Peacekeeping Operations are strengthening their cooperation.

In regard to the latest report of the Secretary-General, permit me to address three issues highlighted there. The first is the question of the rule of law, justice and reconciliation. We have been reminded on many occasions that, although during the First World War 95 per cent of the victims were soldiers, by contrast, today, 95 per cent of the victims of conflicts are civilians. As a country which has just recently emerged from a prolonged period of civil strife and armed conflict, including the period of the genocidal Khmer Rouge regime in which more than two million people perished, most of them civilians, I can speak from experience about the misery and suffering of our people over a prolonged period of time, and I can affirm that we can find justice for our people only when peace and stability prevail throughout our country.

In regard to the rule of law and justice, it must be applied fairly and universally to all countries, large or small and rich or poor. In order to achieve that goal, conflicting political interests must not be accorded

higher priority than providing justice and reconciliation for the people. In the light of our bitter experience of the past, Cambodia was one of the first countries in Asia to ratify the Rome Statute of the International Criminal Court (ICC), and we applaud its entry into force last July. That was a step in the right direction towards achieving the rule of law, justice and reconciliation in post-conflict countries.

Secondly, we should like to touch on the issue of humanitarian access. In this respect, an important point to keep in mind is that we should not forget that the protection of civilians is, first and foremost, the responsibility of the sovereign Governments concerned. The issue of humanitarian access, while important, should not supersede the principle of national sovereignty. This has been emphasized on many occasions by many members of the Non-Aligned Movement.

Thirdly, the Secretary-General emphasizes the issue of the separation of combatants from civilians. We had a very bad experience during the 1980s, when the Khmer Rouge, after being ousted from Cambodia, hunkered down in border refugee camps, taking with them large numbers of civilians under their so-called protection. Therefore, I wish to emphasize once again that if the international community is not in agreement on the solution of a certain problem, it is difficult to tackle such important issues as that of the separation of civilians from combatants.

The report also identifies three emerging challenges: sexual exploitation, illegal exploitation of natural resources and terrorism. Those important issues deserve our full attention.

Finally, Cambodia welcomes the adoption of the aide-memoire by the Security Council last March, prepared by the Secretary-General in close cooperation with Council members. The aide-memoire provides a blueprint for action for all of us in the important area of protection of civilians in armed conflict. It is now very important to put these principles into practice; in that connection, today's meeting will provide a good opportunity to have a preview of the roadmap for the protection of civilians attached to the aide-memoire. I welcome the holding of regional workshops, including the regional workshop in Japan, which covers the South-East Asian region. Such workshops will provide practical tools to implement the aide-memoire.

The President (*spoke in Spanish*): I thank the representative of Cambodia for his kind words addressed to the presidency.

The next speaker inscribed on my list is the representative of Austria. I invite him to take a seat at the Council table and to make his statement.

Mr. Pfanzelter (Austria): It is a very special privilege to address the Security Council under the presidency of Colombia. Our gratitude also goes to the Secretary-General and to Under-Secretary-General Oshima for the excellent preparations for our highly important deliberations in the Security Council.

I am speaking in Austria's capacity as current Chair of the Human Security Network, an interregional group of countries also comprising Canada; Chile; Greece; Ireland; Jordan; Mali; the Netherlands; Norway; Slovenia; South Africa, as an observer; Switzerland; and Thailand.

The issue of the protection of civilians in armed conflict lies very much at the core of the Network's efforts to ensure the security and the rights of the individual. Our aim is to take concrete actions to make our world a place where all people can live in security and dignity, free from fear and want, with equal opportunities to fully develop their human potential. Those efforts relate directly to the Secretary-General's emphasis on what he defined as our humanitarian imperative: the very essence of United Nations work to establish human security where it is under threat, where it is no longer present or where it never existed.

Armed conflicts still affect millions of civilians around the world who are deprived of their basic necessities, vulnerable to violations of their rights and to physical exploitation, and often displaced from their homes and separated from their families. The phenomenon of civilians becoming the deliberate targets of warfare, in flagrant violation of international humanitarian and human rights law, remains alarmingly frequent. Too often, the principal victims of armed conflict are women and children, on whose shoulders lies the future of our societies.

The Security Council's debates on this issue — such as the one that is taking place today, on International Human Rights Day — increase recognition of the need to develop a culture of protection within and beyond the United Nations. The reports of the Secretary-General are an essential

contribution to that aim. The Network welcomes the Security Council's continued commitment to that critical issue. We see the agenda for the protection of civilians as a framework for action.

The protection of civilians is central, not peripheral, to the Council's mandate of ensuring international peace and security. We welcome the most recent report of the Secretary-General (S/2002/1300), which, like those that he has previously prepared for the Council, is aimed at identifying practical strategies for promoting a culture of protection. We urge the Council to sustain the momentum created behind that agenda, and we call on the Secretary-General to continue to update the Council on developments in that field on a regular basis.

In the context of the protection of civilians, I should like to highlight several issues, which are also contained in the reports of the Secretary-General, from the point of view of the Human Security Network. Discussions on the particular protection needs of women and children are an important part of that rubric, and I should like to refer to Human Security Network statements made during the respective Security Council debates.

The primary responsibility for the protection of civilians in armed conflict rests with Governments. In situations of armed conflict, however, non-State actors can also have direct responsibility for ensuring the basic needs and the protection of civilian populations. An essential element of that responsibility is for all parties to a conflict to allow unimpeded humanitarian access to vulnerable populations. However, as the report rightly points out, very few non-State actors recognize their responsibilities in that regard. Therefore, we consider the development of measures to raise the awareness of all parties to a conflict — including non-State actors — of their responsibilities and of the relevant provisions under international humanitarian, human rights, refugee and criminal law to be of paramount importance. We recall the Security Council's commitment, in resolution 1265 (1999), to respond to situations of armed conflict in which civilians are being directly targeted or humanitarian assistance to civilians is being deliberately obstructed.

While there has been considerable progress in recent years with regard to strengthening the normative and institutional frameworks for the protection of internally displaced persons, their situation in many countries remains extremely worrisome. Wherever there is conflict, in all likelihood there is also displacement. Displacement continues to be a by-product of current conflicts and too often is a deliberate aim of combatants. The General Assembly and the Commission on Human Rights have repeatedly outlined their recommendations in support of protection and assistance for internally displaced persons. Two of the members of the Human Security Network, Austria and Norway, regularly put forward resolutions on that issue in those forums. Building on the work of the Representative of the Secretary-General on Internally Displaced Persons, an increasing number of conflict-affected countries are using the Guiding Principles on Internal Displacement as a standard and a framework for dealing with situations related to internally displaced persons. We therefore propose that the Security Council encourage States with internal displacement situations to utilize the Guiding Principles as well as to find durable solutions for internally displaced persons, including their voluntary return in safety and dignity.

The achievement of a sustainable peace depends on the establishment of an effective and fair administration of justice, of institutions that ensure accountability for past atrocities and for grave human rights violations, and of credible truth-and-reconciliation mechanisms. In that context, we welcome the entry into force of the Rome Statute of the International Criminal Court, which marks an important contribution to ending impunity. Both justice and reconciliation mechanisms should ensure the involvement of women and should foresee special procedures for children. We agree with the report of the Secretary-General that reconciliation efforts need to be undertaken in a culturally sensitive way and that education shall provide a window of opportunity for building tolerance and social justice in communities both during and after conflict. I should like to add that human rights education is particularly pertinent in that regard. The Human Security Network is currently in a process of elaborating a declaration of principles on human rights education and is producing a manual on that subject that can be adapted to various regional situations.

The widespread use of small arms, light weapons and anti-personnel landmines has a significant impact on the scope and the level of the violence that affects civilian populations during and after armed conflict, as

pointed out by the Secretary-General in his first report to the Security Council on the protection of civilians in armed conflict (S/1999/957). One week ago, we commemorated the fifth anniversary of the signing of the Ottawa Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction. It was that initiative that originally led to the establishment of the Human Security Network. At its ministerial meeting in September this year, the Network passed a declaration calling for the universal ratification of that important treaty — a call that I should like to reiterate on this occasion.

I would like to thank the Secretary-General for addressing a number of highly topical issues in his most recent report, namely, the separation of armed elements from displaced civilians; the safety of humanitarian personnel; sexual exploitation and gender-based violence in humanitarian crisis and conflict situations; the commercial exploitation of conflicts and the plundering of resources; and the involvement and the role of terrorist organizations in armed conflict.

In order for this agenda to succeed, all States and other relevant actors must commit to improving the legal and physical protection of civilians. An important element of this is the integration of the Secretary-General's recommendations into the realities in all regions. The Network therefore welcomes the regional seminars, which have been initiated by OCHA, and urges all Governments to participate in them.

In conclusion, I would like to assure you, Madam President, of the dedication of the members of the Human Security Network to fully supporting and promoting the protection of civilians in armed conflict as an indispensable foundation for peace, security and stability.

The President (*spoke in Spanish*): The next speaker inscribed on my list is the representative of Egypt. I invite him to take a seat at the Council table and to make his statement.

Mr. Aboul Gheit (Egypt) (*spoke in Arabic*): The right of every human being to live in lasting peace and security should be sacred. That is one of the reasons for the founding of the United Nations. That right lies at the heart of the purposes and principles of the Organization, and it is that right from which it derives its authority and mandate. The protection of civilians in armed conflict is thus a basic responsibility of the United Nations. It is also a collective responsibility, imposed by international humanitarian law. On that basis, we believe that the dialogue currently under way in the Council is vital in order to promote the efforts of the Organization in this area and to bring about further progress in dealing with this serious challenge.

We welcome the recent report of the Secretary-General, which reviews developments relating to the protection of civilians in armed conflict during the past 18 months. We agree with its conclusions that three issues have emerged that represent a challenge to the ability of States to protect civilians: sexual violence and gender-based violence; the illegal commercial exploitation of the natural resources of States; and the threat of terrorism.

My delegation would like to make a number of important points in this respect. First, within the framework of the commitment to the principles of the Charter as contained in Articles 1 and 2, including the political independence, sovereign equality and territorial integrity of States, which must be respected by everyone, we would like to stress that the protection of civilians in armed conflict must not lead to the disregard of the concept of State sovereignty or of the responsibilities and powers that States have in their territory. Balance between those two elements is necessary; indeed, it is vital, particularly since international law has dealt extensively with such elements and determined the commitments, duties and rights of States and individuals.

Secondly, during the past few years the Security Council has discussed the issue of the protection of civilians in armed conflict, adopting a number of resolutions and issuing several presidential statements on the subject. That reflects the importance that the Council attaches to this vital issue, which is gaining in importance because of the growing number of civilian victims of armed conflicts, compared with numbers of a decade ago, and the increase in the number of such conflicts, particularly in Africa, which accounts for almost half the total number of conflicts worldwide.

What makes matters worse and further complicates the situation are the changes that have occurred with regard to the methods used by combatants and their conduct, whether at the international or domestic levels, and the growth in internal, regional and ethnic strife, including ethnic

cleansing, accompanied by the disintegration of Governmental institutions and a breakdown in the rule of law and order.

We believe that a major element in the growth of these tragic phenomena is the fact that countries are not abiding by the provisions of international humanitarian law, notably the Fourth Geneva Convention and its two Additional Protocols, while in some cases governance and responsible authority are absent as a result of internal strife. We should like to take this opportunity to emphasize that a number of international legal instruments set out elements of international law whose application goes beyond the parties to such instruments. The most obvious example of this is the Fourth Geneva Convention and its two Additional Protocols, which go beyond the States parties and apply to the entire international community, setting out an internationally agreed framework for the treatment of civilians in armed conflict or under occupation.

Thirdly, on more than one occasion the United Nations has succeeded in proving that it is able to intervene effectively to protect civilians, most notably in the Balkans, East Timor and Sierra Leone. There are many other situations that have not been accorded the same degree of importance or in which such intervention has not been as successful. These include other parts of Africa and the Middle East.

Despite the increasing awareness of the Members of the United Nations of the scale of this new challenge and their agreement with regard to the responsibility of the Organization, whether through the Security Council or the General Assembly, for preventing conflict and resolving it in a peaceful manner, as well as their belief in the importance of providing protection and humanitarian assistance to civilians victims of armed conflict, the international community still has a long way to go in this respect. A flagrant example of the failure of the international community, and the United Nations in particular, is the situation in the occupied Palestinian territories — the West Bank and Gaza — where the civilian population is suffering daily from the incursions of the occupying forces, which are violating the provisions of the Fourth Geneva Convention and its first Additional Protocol. The suffering of children, women, the elderly and other vulnerable sectors of society grows worse and longer day by day. What increases the suffering further is the fact that medical and humanitarian care is delayed and access to victims prevented. The fact is that the occupying Power has actually impeded the work of those who seek to provide care.

The practices of the Israeli occupying forces and their continued use of heavy weaponry in densely populated civilian areas have resulted in a doubling of the number of civilian casualties, which has led to a deterioration in the standard of living in all areas, in particular in the social, economic and health areas.

Egypt strongly condemns and totally rejects this situation. We cannot accept any justification for such a situation, regardless of the claims that are made, particularly since the right to resist an occupying Power is a sacrosanct right guaranteed by the Charter of the United Nations and by international law. That right is complemented by the right of peoples to self-determination and to independence.

Fourthly, we believe that dealing with the issue of the protection of civilians in armed conflict should be accorded the highest priority in the work of the Organization, and of the Security Council in particular. We should also devote greater attention to the most vulnerable areas, notably Africa and the occupied Palestinian territories. We must also devote greater attention to the most vulnerable sectors of society, which lack protection and care.

In this context, Egypt expresses its serious concern at the increased rate of violence against women and children during armed conflict and at the negative economic, social, psychological and physical impact it has on them. On this basis, and in order effectively to combat injustice against women, Egypt last September hosted a conference at Sharm el-Sheikh aimed at setting up a new international movement for women and peace. Many prominent international personalities participated in that conference.

The purpose of that conference was to initiate a series of activities in preparation for an international conference in 2004 dealing with the issue of women and peace. The outcome of the Sharm el-Sheikh conference emphasized the importance of recognizing women as an effective element in the settlement of conflicts and of acknowledging the importance of their participation in efforts at peacebuilding.

In conclusion, I should like to extend my thanks to you, Madam President, for convening this meeting to address this very important issue. I truly did not intend to speak unless you were presiding. I should like to

emphasize my delegation's support for the Organization's and Council's efforts in this area and our full readiness to participate actively in these activities.

The President (*spoke in Spanish*): I thank the representative of Egypt for the kinds words he addressed to me. I am very pleased indeed to be presiding.

The next speaker inscribed on my list is the representative of Israel. I invite him to take a seat at the Council table and to make his statement.

Mr. Jacob (Israel): At the outset, allow me to welcome you, Madam President, and to wish you much success as you guide the deliberations of the Council on this issue. I wish also to thank the Secretary-General, the Under-Secretary-General for Humanitarian Affairs and the Director-General of the International Committee of the Red Cross for the important statements they made this morning.

Israel is pleased to be taking part in today's debate and welcomes the increased attention being paid by the international community to the issue of protecting civilians in situations of armed conflict.

Israel also welcomes efforts to increase the effectiveness of the work of the United Nations in this regard. In particular, we support the steps taken to consolidate the work of various departments and agencies, and to increase coordination and cooperation among different sectors of the Organization whose work relates to the protection of civilians. We are encouraged by the fact that the Security Council has taken an active role in seeking to reduce the intolerable impact of armed conflict on innocent civilians.

The most recent report of the Secretary-General on this topic represents yet another step forward. Israel is pleased to see the report focus on the new challenges posed by sexual exploitation, commercial exploitation of resources, and the rise of terrorism. Establishing guiding principles and accepted standards of behaviour in all these areas will greatly enhance the protection afforded to civilian populations.

The focus on sexual exploitation of women and girls in situations of armed conflict arises out of an increased awareness in recent years of the disparate effects of conflict on men and women. As a country that has taken great strides to mainstream gender in all sectors of society, Israel believes that the increased participation of women in decision-making at the highest level will serve not only to promote our common interest in advancing the status of women, but also to mitigate some of the disproportionate effects of armed conflict on women.

Similarly, the focus on commercial exploitation comes from the recognition that the illegal exploitation of natural resources serves to fuel conflicts that might otherwise have petered out. This is a particularly worrisome concern on the African continent. Israel has joined with other nations participating in control regimes intended to stem the illicit revenue generated by the illegal export of natural resources.

Finally, the growing threat of terrorism poses unique challenges to our efforts to protect civilians from the ravages of conflict. Terrorism blurs the fundamental and critical distinction that must be maintained between civilian and combatant, an issue which the Secretary-General's report covers in some detail.

Terrorists seek to blur this distinction not only in the objects they target — which are often crowded public places, office buildings and modes of mass transit — but also in their non-combat operations. In choosing locations for training and organization, terrorists routinely situate themselves in the midst of civilian areas for the express purpose of defending themselves against possible preventive action. Restoring respect for the essential distinction between combatants and civilians, as required by international humanitarian law, is critical to our efforts both to fight against international terrorism and to protect civilians from its deadly effects.

Access of humanitarian workers and assistance in areas of conflict is also of great importance. Israel recognizes the need to provide such assistance as well as the potential long-term benefits of a humanitarian presence in areas of conflict. But the Secretary-General's report also recognizes that humanitarian workers and the access routes they use can be employed in a manner that poses a threat to other civilian populations. It is imperative that measures be taken to ensure that humanitarian workers are empowered to perform their functions but are also protected from exploitation by any local actors whose objectives and tactics are the very antithesis of those of humanitarian personnel.

These considerations highlight the difficult dilemmas facing States engaged in the global campaign against terrorism. How are States to effectively fight terrorist organizations that deliberately endanger both the civilian populations they target and those behind whom they shield themselves? How can States exercise their legitimate right to take defensive measures against terrorism without causing undue harm to the civilian population? How can States secure a sufficient supply of food, medicine and assistance while ensuring that supply lines are not compromised by terrorist elements?

There are no easy answers to these questions. All States must endeavour to strike a proper balance between their obligations to fight terrorism and protect their citizens, and their responsibilities under international humanitarian law. This process would be greatly advanced if the international community took care to ensure that it places primary responsibility for the harm caused to civilians in such situations on the shoulders of those who have deliberately obscured the distinction between civilian and combatant. Failure to hold accountable those armed groups that abuse the protected status of civilians and thus endanger civilian lives will only encourage terrorist groups to increase their reliance on this reprehensible tactic.

Our goal must be to explore ways to isolate terrorists from the civilian populations they endanger. This is a task fraught with difficulties — difficulties which are compounded by the tireless efforts of terrorists to make our task as hard as possible. This is especially so in relation to the horrific phenomenon of suicide terrorists, who have shown utter disregard for any civilian life and who pose a unique challenge to the mechanisms of prevention and deterrence available under international humanitarian law. This does not, however, relieve us of the obligation to continue to improve our counter-terrorism techniques and strategies so as to avoid putting civilian lives at risk.

The President (*spoke in Spanish*): The next speaker on my list is the representative of Indonesia. I invite him to take a seat at the Council table and to make his statement.

Mr. Hidayat (Indonesia): Let me begin by extending to you, Madame, and to your delegation my sincere gratitude for convening this public discussion. My delegation is certainly greatly honoured by your presence among us as we discuss this very important subject.

I would also like to welcome the report of the Secretary-General and to take note of the developments since his last report was issued in March 2001. We note the efforts of the Office for the Coordination of Humanitarian Affairs (OCHA) of the Secretariat and the benefits of the closer cooperation between that Office and the Department of Peacekeeping Operations. Of great interest to my delegation in this respect are the six workshops being coordinated by OCHA in response to resolution 2002/32 of the Economic and Social Council, which called upon Member States to participate actively in workshops on the protection of civilians in order to share knowledge and experience and to improve practice.

Before I continue, I would also like to acknowledge the aide-memoire developed by OCHA and adopted by the Security Council in March 2002 as a practical tool for improved analysis and diagnosis of key civilian protection issues that arise out of conflict.

It is astounding to consider that, in the last decade alone, more than 2.5 million people have died directly as a result of conflict and that, of that number, civilians constitute the greater number of the casualties. No less tragic is that about 31 million more people have been displaced and uprooted by conflict also within the same period. We share the view of the Secretary-General that this represents human suffering on an immense, indeed intolerable scale, but a scale that may yet worsen with the threat of global terrorism.

The report before us contains a number of suggestions for improving response to such issues as access to vulnerable populations, separation of civilians and armed elements, and rule of law, justice and reconciliation. In view of the national experience of Indonesia and the time limitation in this debate, I would like to make a few general remarks on the third element, which is the rule of law, justice and reconciliation.

In the post-conflict scenario, we share the view that the restoration of the rule of law is fundamental to a country's capacity to emerge into a sustainable peace on the basis of the assured protection of civilians and the return of order. In a society emerging from conflict, there will always be — and indeed ought to be — a demand for justice and accountability. That is human and it is understandable. The lesson and, perhaps, the

contribution to political thought is that such demands are on a surer footing when they take a holistic view of history and when they recognize that, in the interest of stability and progress, such demands must make conscious choices that stress stability and progress.

Having said this, we acknowledge that every conflict carries its own dynamics and its singular character. To that end, every post-conflict situation requires a unique response. My point is that, while there are differences in situations, the political attitudes that determine the response and the strategies may learn from successful conflict settlements, such as those in Sierra Leone, Angola and Afghanistan, as referred to in the report.

Finally, the Secretary-General identifies in the report three global issues that have emerged since the previous report that will seriously challenge the capacity of Member States to protect civilians. The first is an increased focus on gender-based violence in humanitarian crisis and conflict situations. The second is the commercial exploitation of conflict, whereby individuals and companies take advantage of a conflict to plunder the natural resources and enrich themselves at the expense of civilian populations. The third development identified by the Secretary-General is the rise of terrorism and the involvement of terrorist organizations in armed conflicts.

These are, no doubt, serious developments. While we throw our weight behind the practical measures suggested by the Secretary-General, my delegation would like to add that States Members of the United Nations should come up with similar ideas and approaches at the national, regional and multilateral levels that will generate a massive wave of response to these issues. At the national level and with a view to instituting the necessary legal framework on the subject of terrorism, my Government last October completed a draft anti-terrorism bill that had been on the drafting board since 1999 for presentation to the House of Representatives. Pending the adoption of the said bill, two Government regulations in lieu of law were signed on 18 October to back up Indonesia's efforts against terrorism.

Finally, it is our belief that these issues, as identified by the Secretary-General, dovetail into others that are already being dealt with within the Organization and its agencies, such as issues relating to women and children, small arms and counter-terrorism. We trust that, in working together, adopting the same principles and standards and regularly keeping other members of the team abreast of what is happening, our multilateral system will conquer these problems.

The President (*spoke in Spanish*): The next speaker inscribed on my list is the representative of Timor-Leste. I invite him to take a seat at the Council table and to make his statement.

Mr. Guterres (Timor-Leste): My Government congratulates you, Madame, on your country's assumption of the presidency of this Council. We have no doubt that your experience and dedication will guide the Council in its deliberations at times when difficult decisions are required.

Most gratifying is the presence here today of the Secretary-General and the Director-General of the International Committee of the Red Cross, whose participation underscores the importance of today's deliberations, which could not have been held on a better day — International Human Rights Day.

I would like to commend the Secretary-General for his detailed report (S/2002/1300) on the protection of civilians in armed conflict. At the same time I wish to thank Under-Secretary-General Oshima for his introduction of the report and to welcome the important work done by the United Nations Office for the Coordination of Humanitarian Affairs.

The report reflects the hard work of this Council and the United Nations system and provides a clear roadmap for addressing the challenges of our most vulnerable populations. It addresses the important issues of access, separation and the rule of law and justice. In addition, the inclusion of issues such as sexual exploitation and terrorism is both timely and appropriate.

The Aide Memoire adopted by the Security Council is an essential tool for designing and reviewing peace operation mandates. We would encourage its regular and consistent use for this purpose in the future.

We are looking forward to the regional workshops next year in the Pacific Rim/South-East Asia region. The Government of Timor-Leste is fully committed to participating in this important initiative.

The experience of my own young country exemplifies the need to more effectively protect

civilians in conflict. Too many innocent people have lost their lives in recent years due to violence and starvation.

We thank the Secretary-General for drawing attention to the importance of protecting civilians even in times of transition. Cessation of hostilities, fragile peace agreements and emerging democratic governmental structures require the sustained focus of the international community. Training local government and law-enforcement officials in respect for human rights and the rule of law, providing a secure environment for democratic institutions to emerge and flourish, disarming militias and arranging for the safe return and reintegration of displaced people are challenges that require the sustained effort of the international community throughout the transition period.

The report indicates that much needs to be done to ensure effective protection for millions of civilians affected by conflict. They are the ones who suffer the most in times of conflict and war. It is the primary responsibility of the State to protect its people. In this context, Timor-Leste today, on the occasion of Human Rights Day, ratified core human rights instruments and optional protocols, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. With this ratification, this Convention entered into force 12 years after it was approved.

Ratifying these treaties is one important step towards building a culture of human rights. Implementing them is a task that requires the continued commitment and effort of the Government, non-governmental organizations and civil society alike.

As the newest member of the United Nations, Timor-Leste is strongly committed to the protection and promotion of human rights and will do its utmost to meet international human rights standards in its laws, policies and practices. In this regard, to face the challenges created by the unfortunate events of last week, the Government has established a commission of inquiry, with the participation of civil society representatives. The results of the Commission's work will serve to further strengthen our ability to build conditions for peace and stability, a prerequisite for nation-building and sustainable development.

The Government hopes that all international stakeholders, including the United Nations and its relevant agencies, will lend expertise and technical assistance when necessary to the Government with a view to disseminating the human rights conventions. Such assistance is essential for recovery, reconstruction and reconciliation and will thereby provide a solid foundation as the nation commits to a culture of peace.

In conclusion, I would like to thank the Council for its efforts in the protection of civilians in armed conflict. We fully support and encourage the continued efforts of the international community in addressing the plight of all civilians — women, children and men — who are victims of conflict the world over.

Mr. Listre (Argentina) (*spoke in Spanish*): Madam President, I would like to join the others in expressing my gratitude to you for having organized this debate, which shows the concern of Colombia and his Government, as well as your own concern, for this topic. I would also like to salute our colleague Ambassador Valdivieso, who concludes four years of brilliant action in this Organization, having presided over the Security Council during a month when he has had to deal with some very difficult issues.

This item is important for my country. My country shares the concern for human security. Only in recent years has the Security Council reacted in a sustained fashion to the challenges raised in this area. Three years ago, during the first debate, we had just begun to warn about the need for a systematic treatment of the situation of civilians, pointing out that they were the direct and favourite targets of almost all the factions in the conflicts.

I must also acknowledge Canada for its efforts to ensure that this item receives regular consideration in the Council. Its tenacity is bearing fruit.

The present debate is the fourth regular open meeting of the Security Council on this item. We have before us, and we are proceeding to consider, the third report of the Secretary-General on the protection of civilians in armed conflict. We should remember that in his earlier reports the Secretary-General described the grave situation of civilians and made recommendations for confronting it successfully. The third report shows that today we have managed to establish in the Security Council the systematic treatment of the situation of civilians in armed conflicts. This development can be seen in the applicable norms as well as in the work of the United Nations bodies.

The report now is no longer another compilation of urgent measures that have to be adopted, but rather a progress report — a review of the progress, difficulties and new developments that turn up in the application of these measures. In other words, we have made steady progress towards the establishment of a practice of protecting civilian populations, and this has to be welcomed. Now, we have to focus most of our attention on operative and systematic action.

The report points out that the sustainability of processes in a transition to peace requires practical measures in three key spheres. These measures are increasingly seen as preconditions for lasting peace.

The responsibility of a State in protecting its population is a first point that we would like to reiterate. Already, when the Council first addressed the question, my country focused on this aspect. It is States that have the primary responsibility of respecting, and ensuring respect for, international humanitarian law in all circumstances and with regard for all individuals under their jurisdiction. This is not in conflict with State sovereignty. On the contrary, it is the most natural expression of that sovereignty.

Another problem is raised with the arrival of assistance to needy populations, often hampered by obstructive actions such as blockades and curfews. A central factor is the lack of formal contacts with non-State agents. Therefore it is necessary that humanitarian agents establish systematic contacts with the belligerent factions in order to negotiate important decisions.

This implies that the humanitarian agent must be perceived as being neutral. This can be achieved more easily when dialogue becomes regular and is supported by framework agreements that guide its development. We appreciate the usefulness of the Aide Memoire in this respect, as well as the development of a manual on the conditions that should govern relations with armed groups.

The safety of humanitarian personnel is also relevant in this regard. Like civilians, United Nations staff and associated personnel and humanitarian workers are often direct targets of aggression. This impedes assistance, limits access to populations in need and undermines the efforts of the Organization. Peacekeeping operations should continue to include plans for the protection and safety of personnel, who must also be adequately trained to avoid abuses.

An important legal aspect of the protection of humanitarian personnel involves the responsibility of the host country, to which I have referred. Argentina is working with other members of the United Nations to improve and extend the legal protection stemming from the 1994 Convention. On various occasions, the Security Council has recommended doing the same, including at the open debate held in February 2000 during my country's presidency of the Council.

Separating civilians from armed elements is an increasingly complicated and relevant subject. Experience shows that it is essential to disarm, separate and intern combatants, as well as to offer them work or educational alternatives. It is also necessary to move refugee camps away from borders, where they are exposed to attacks from neighbouring countries, and to help States hosting large groups of refugees. The efforts of civilian police tend to be determining factors in these situations — as my country knows first-hand as a result of its ongoing contributions of significant numbers of civilian police to United Nations peacekeeping missions.

Justice-based national reconciliation is another aspect of the protection of civilians. Conflicts cause great harm to the social fabric of a country that can only be repaired by rendering justice and demonstrating that there is no room for impunity. Efforts in that regard should be geared towards achieving lasting peace on the basis of social reconciliation.

In the last decade, we have tried out various jurisdictional formulas with regard to societies emerging from serious conflict. Tribunals with exclusive jurisdictions were created for very serious crimes committed on a given territory. The Members of the United Nations have also signed an agreement to create an international tribunal. The idea of using national tribunals enjoying international support has also been studied. Finally, the International Criminal Court was established, which entered into force this year and which constitutes a powerful tool to strengthen human rights. Moreover, national reconciliation of a society in conflict can also be manifested through truth commissions. As the Secretary-General has pointed out, all of those tribunals and mechanisms aim at striking a balance between the need to render justice and settle accounts and the pressure that exists to overcome divisions.

Of course, those international jurisdictions do not represent the full range of the administration of justice, as they only address the most serious of crimes and represent a small, albeit most sensitive, part of the overall administration of justice in a given country. Local tribunals must also be strengthened, as they are closely associated with the viability of institutions and the rule of law.

One thing is inescapable, and the Security Council must be very clear about it: reconciliation is impossible where impunity rules the day. There will never be true peace so long as there is impunity.

In conclusion, we have noted the introduction of a new element in the report of the Secretary-General, namely, the mention of the effects of terrorism on the protection of civilian populations. Terrorism is a crime that cannot be justified under any circumstance or for any reason. Attacks aimed at terrorizing civilian populations brutally ignore the rights of civilians. We welcome the inclusion of that recognition in the report. My country is particularly sensitive to this issue. In that respect, I would like to mention the terrorist attacks experienced by the Republic of Argentina in 1992 and 1994, which were directed, respectively, against the Israeli embassy in Buenos Aires and the AMIA Jewish Centre, which is the most important mutual association of Argentine Jewry. The Jewish community was the victim of acts of brutality that claimed over 100 lives and produced thousands of injuries.

The President (*spoke in Spanish*): I thank the representative of Argentina for his kind words addressed to me.

The next speaker inscribed on my list is the representative of Burkina Faso. I invite him to take a seat at the Council table and to make his statement.

Mr. Kafando (Burkina Faso) (*spoke in French*): The topic that you, Madam President, have chosen for today's debate, namely, the protection of civilians in armed conflict, was a well chosen and timely subject, given the alarming events taking place throughout the world, and in Africa in particular. My delegation would like to thank you for giving us this opportunity to share our thoughts on this subject with the members of the Security Council.

First of all, however, we would like to congratulate you, Madam President, on your assumption of the presidency of the Council, and to say how admirably you are discharging your duties. We also wish to extend our gratitude to your predecessor, the Permanent Representative of the People's Republic of China.

Every armed conflict necessarily takes its toll of victims. However, the Geneva Conventions codify conflicts and provide special legal protection for civilians. Current conflicts, especially domestic ones, are usually attributed to political demands or opposition. Their main characteristic today is that civilians, who are potential targets, are extremely vulnerable in those conflicts. For example, many domestic conflicts are merely a way of settling ethnic or tribal rivalries and acting on feelings of religious intolerance. Or, they may just be a way of getting rid of foreign minorities who have been made scapegoats of political or economic failure.

We know that zealous efforts to crush uprisings and opposition often lead political regimes to order, or cover up, excesses and atrocities against civilians. There are many examples of that type of reaction in quite a few African countries. How could one forget the tragedies experienced in Rwanda, the Democratic Republic of the Congo, Sierra Leone, Liberia, Burundi and other countries?

Closer to home, we stand by helpless — if not resigned and aloof — as tragedies unfold in Côte d'Ivoire, where killing fields have been discovered where most of the victims were immigrant workers from the subregion. Both sides accuse and blame one another, but that hardly matters. Above and beyond their contemptible and heinous nature, such actions must be condemned and punished. Protection is supposed to be provided to civilian populations, particularly foreign civilians, who have nothing to do with the conflict in that country.

The preamble to the Universal Declaration of Human Rights states that disregard and contempt for human rights have led to barbaric acts that outrage the human conscience. Let us be clear: what is involved here is human rights. Protecting civilians in armed conflict means taking up the cause of human rights, particularly in a world where the idea of ethnic cleansing has increasing currency.

The duty — or, rather, the responsibility — to provide protection is a sacred duty incumbent upon States and parties to a conflict. States parties to the

four Geneva Conventions are bound by a number of legal provisions whereby violations of international humanitarian law can be punished by sanctions. How international humanitarian law is applied depends on how rigorously States try to ensure respect for that law, whether it be international or internal conflicts, the latter of course implying the adoption of appropriate national legislation. Applying international humanitarian law is a concern of the International Red Cross and Red Crescent, two institutions that we commend and congratulate for their humanitarian work.

However, with the many changes in the international order, and with the increase in the number of security issues, new actors have made their entrance onto the stage, primarily the United Nations High Commissioner for Human Rights and the United Nations High Commissioner for Refugees, to whom we are greatly indebted for their commitment to human dignity.

I would also mention the criminal tribunals for the former Yugoslavia and Rwanda, which will shortly be supplemented by the Sierra Leone court and, especially, the International Criminal Court (ICC). Lastly, I would mention the very important part played by non-governmental organizations working with humanitarian matters. All of these players, in their own way and in solidarity, help to protect civilians in various armed conflicts.

This debate on humanitarian protection brings up the controversy about the need for intervention. In a word, does protection of human rights take precedence over State sovereignty? The Secretary-General tried to respond to this point in his Millennium Report, in which he stated,

> "... if humanitarian intervention is, indeed, an unacceptable assault on sovereignty, how *should* we respond to a Rwanda, to a Srebrenica — to gross and systematic violations of human rights that offend every precept of our common humanity?" *(A/54/2000, para. 217)*

The dilemma is a real one. Actually, everything depends on the circumstances and gravity of the situation. Most persons facing this classical tragedy have advocated a reasonable approach. In other words, if it is a planned genocide or a scheduled ethnic cleansing, either by the State or else because the State has been negligent or defiant, then it would be better to intervene, given the situation. But, there is one prerequisite. The Security Council, responsible for maintaining peace and security, must endorse such action. Finally, there is the problem of sanctions. All those who violate humanitarian law, either by omission or by commission, must be responsible for what they have done. State parties to the Geneva Conventions have to include in their criminal legislation the punishable offences with regard to violations of the Conventions.

States have the responsibility to seek persons accused of such violations and bring them to justice or to extradite them to a third country on the basis, of course, of the principle of universal competence, that is, regardless of the nationality of the offender or the place where the offence was committed. Soon this kind of recourse will be broadened to include the International Criminal Court (ICC).

It is essential to punish violations of international humanitarian law in order to deter and punish serious breaches. Recently the High Commissioner on Human Rights, when speaking about the atrocities against and assassinations of civilians in the conflict in Côte d'Ivoire, said that those responsible for atrocities in Côte d'Ivoire must remember that henceforth they are liable to judgement before the ICC.

This anguished appeal by the primary person with responsibility for human rights throws light on the horrible tragedy being played out in Côte d'Ivoire, where civilians, often foreigners, suffer inhuman and degrading treatment and are subject to blind violence, summary execution and arbitrary arrest, on the basis of nationality, ethnic origin and religious intolerance. It is high time for the international community itself to become aware of this and shoulder its responsibilities to ensure better protection for civilians in that country.

Mr. Al-Kidwa (Palestine) (*spoke in Arabic*): Let me begin by expressing our pleasure at seeing you, Madame Foreign Minister, presiding over this meeting and at seeing Colombia as President of the Security Council for the current month. I would also like to express our appreciation to the Permanent Representative of China and members of his delegation for their wise stewardship of the Council in the past month.

First, I would like to thank the Secretary-General for his report to the Council on the protection of civilians in armed conflict. Also, I would like to

express our satisfaction, because the report contains this time, after omissions in past reports, direct references to the humanitarian situation of Palestinian civilians in the occupied territories. We hope that future reports will reflect in a more accurate and better fashion this important dimension.

There is an international consensus on the existence of a genuine humanitarian crisis endured by Palestinian civilians living under Israeli occupation. There is an international consensus that this crisis arises from the measures and policies enforced by Israel, the occupying Power. Those measures and policies have led directly to the death and injury of civilians and also to destruction of residential homes, commercial enterprises, agricultural crops and physical infrastructure on a broad scale. This is in addition to measures and policies relating to what is called "access", including extended curfews, isolation of population centres, and internal and external closures of communities, all of which have been reported by the Secretary-General in his reference to the report of Madame Bertini, the Special Representative of the Secretary-General for Humanitarian Affairs.

We believe that no one is treated like our people are. What is taking place is the destruction of the entire Palestinian community, the present and future of an entire people. Of course, that involves serious violations and grave breaches of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and its first Additional Protocol, which involves the commission of committing war crimes and State terrorism, in addition to systematic violations of the human rights of the Palestinian individual.

Against that background, therefore, the international community is dutybound to take specific measures, including bringing the perpetrators of war crimes and other crimes, and their authorities, to justice, to stand trial for their crimes.

We refer now to what others call Israel's right to self defence. While we acknowledge that Israel has the right to take all necessary measures to ensure the prevention of acts of aggression against its citizens within Israel proper, we must, nonetheless, stress that Israel has been present in our occupied territories since 1967 as an occupying Power and, therefore, it must respect the principles of international humanitarian law. More seriously, Israel is engaged in an ongoing war crime of colonization of the Palestinian territories through its settlement activities. We would like to state that those settlers who have been brought to the occupied territories are not civilians. Their presence constitutes the essence of the war crime committed by the occupying Power. Israel is the last colonial Power of contemporary times and, thus, must be condemned and forced to end its current crimes.

The Security Council has, despite repeated attempts, failed for many years to provide protection for the Palestinian people and even to adopt the appropriate international presence in the occupied Palestinian territories, including East Jerusalem, which would certainly have created a different situation for Palestinian civilians. Nonetheless, that does not exempt the Council from fulfilling its obligations under the Charter regarding this issue. Of course, we look forward to that.

The President (*spoke in Spanish*): I thank the Permanent Observer of Palestine for his kind words addressed to me.

I call on Mr. Kenzo Oshima, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, to respond to the comments and questions raised.

Mr. Oshima: I would like to express my deep appreciation for the compliments extended to my office, as well as to sister humanitarian agencies and their partners. I would also like to thank Council members for the many encouraging comments and constructive suggestions received today from members and non-members of the Council.

The Secretary-General, in his introductory opening statement, emphasized that what we need most of all is practical action and a clear path from policy to implementation. The Council has clearly demonstrated today its strong and energetic commitment to strengthening the protection of civilians in armed conflict and its resolve to see to it that the policy recommendations we have made are implemented and result in real improvement on the ground for the lives of men, women and children caught up in war. We are very encouraged and inspired by that.

In the light of that, I would like to express my hope and belief that the Council's clear statement of its position, arising from today's deliberations on the protection of civilians, could be an important

development. This meeting underscores the importance the Council attaches to this issue and the priority it receives — and I am confident it will continue to receive — on its agenda. It has emphasized today the importance of treating this issue consistently, across the board, for all countries that are of concern to the Council.

I would like to state my commitment and that of my office to working closely with the members of the Council, Member States, departments and other humanitarian agencies to ensure the most systematic consideration of the protection of civilians. The importance of the respect for and understanding of Governments and all parties to conflict of their obligations under international humanitarian law has been emphasized throughout these discussions. Many of the actions described in the Secretary-General's report will seek to strengthen such understanding, and we will also continue to work with national Governments and relevant regional organizations to reinforce commitments and actions for the protection of civilians.

The roadmap that we are trying to develop has been seen by the Council as a document of critical importance. I believe that we now have the mechanisms to make rapid progress in developing that further, as the Council has requested. We will proceed, in consultation with the members of the Council. The establishment of an implementation group within the Secretary-General's Executive Committee for Humanitarian Affairs, along with the support group that Norway has so kindly convened, will certainly facilitate addressing the ouistanding elements of the roadmap.

In my next briefing to the Council, I intend to submit a completed version of the roadmap. That will clarify the status of the recommendations contained in previous reports. It will identify responsibilities for further action and establish a clear timetable for action where appropriate. That, in essence, will constitute a plan of action for the protection of civilians in armed conflict. I am also heartened by the Council's deliberations that it fully recognizes the value of the Aide Memoire. It is, as the Council has stated, a living document, and I note the areas where it feels that revisions and additional input are required. As has also been noted, Security Council resolutions and mandates have progressively included more language on the protection of civilians in recent years. An updated Aide Memoire will clearly reflect that, as well as new challenges, some of which are mentioned in the Secretary-General's report. In this instance, I propose that we work so as to be able to submit an updated Aide Memoire within the next six months.

I recognize the importance that the Council has attached to continued integration and collaboration in our work with other departments and agencies.

The establishment of standard operating procedures between my office and the Department of Peacekeeping Operations is a first step in this regard. There will be a need to underpin that with common training and a systematic review of areas of joint concern. I hope that you will see the fruits of our collaboration in future briefings to you, as well as in other aspects of our work. In particular, we hope to extend such collaboration to peacekeeping training, where the protection of civilians can provide a useful common basis for support.

I have noted the interest of Council members in more regular reviews of peace operation mandates and other country-specific operations from the viewpoint of the protection of civilians. My office certainly welcomes such initiatives and stands ready to support such review discussions or workshops alongside our colleagues from the Department of Peacekeeping Operations and other relevant United Nations departments and agencies.

Also, I would like to thank the Council for its recognition of the value of regional workshops and to encourage the Council to support my office logistically and financially in facilitating additional such workshops in different parts of the world.

Let me now address some of the specific questions that have been raised. I welcome the suggestion made by the representative of France on the implications of the involvement of terrorists and terrorist organizations on the protection of civilians. The question of terrorism is not reflected in the roadmap, and I believe that it would now be appropriate to identify how it could be updated. The Secretary-General's report committed to undertaking further work on the impact of terrorism on the protection of civilians, including formulating clear guidelines for the future work of the United Nations, which we will do in the coming months. I also wish to acknowledge statements that this issue should be addressed by the Counter-Terrorism Committee of the

Security Council. I believe that through joint action we should be able to identify the key issues for future inclusion.

I am grateful for the support expressed by the United Kingdom for the work of the Office for the Coordination of Humanitarian Affairs (OCHA) and the protection of civilians in armed conflict.

Specifically, in response to the question as to whether, in addition to Operation Lifeline Sudan and the Somalia Aid Coordination Body, which are specifically mentioned in the Secretary-General's report, structured framework agreements on humanitarian access would provide a stronger basis for the protection of civilians. A number of situations immediately come to mind. In Burundi, for example, there have been attempts at a structured framework, but armed non-State actors there have not committed to that framework. Their inclusion would considerably strengthen progress towards an effective transition. A similar situation exists in the Democratic Republic of the Congo, where humanitarian access would be strengthened by a framework shared by all parties to the conflict. Côte d'Ivoire is an emerging situation where there are serious problems for humanitarian access. Here, too, a framework agreement between the conflicting parties on cross-line operations to ensure protection and humanitarian assistance would make a difference. Clearly, there is a lot of work to be done in this area.

With respect to the rule of law, I would like to mention and emphasize the importance of the work that is being done within the framework of the task force on the rule of law established by the Secretary-General's Executive Committee on Peace and Security, chaired by the Department of Peacekeeping Operations. It comprises the practical experiences and expertise of relevant United Nations departments and agencies, including the Department of Political Affairs, the United Nations Development Programme, the Office of the United Nations High Commissioner for Human Rights, the Office of the United Nations High Commissioner for Refugees and OCHA. The creation of the task force reflects the need to learn from lessons and experiences in Bosnia, Kosovo, East Timor and other conflicts.

I look forward to the next opportunity to brief the Council on this issue in country-specific and thematic briefings.

The President (*spoke in Spanish*): I thank Mr. Oshima for his comments and the clarifications that he has provided.

There are no speakers remaining on the list, but I would like to take this opportunity, before concluding, to thank all the delegations that have taken the floor in this debate. The ideas and proposals made today are very important. My country, Colombia, has an ongoing interest in the protection of civilians in armed conflicts. We will attentively follow the activities of the Security Council, even after our participation on the Council has ended. We are very grateful for having had this opportunity to preside over today's meeting and the very important discussions that took place.

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 6.20 p.m.

United Nations S/PV.4661

Security Council

Fifty-seventh year

Provisional

4661 st meeting

Thursday, 12 December 2002, 10.45 a.m.

New York

President:	Mr. Valdivieso	(Colombia)
Members:	Bulgaria	Mr. Tafrov
	Cameroon	Mr. Tidjani
	China	Mr. Wang Yingfan
	France	Mr. Duclos
	Guinea	Mr. Traoré
	Ireland	Mr. Ryan
	Mauritius	Mr. Koonjul
	Mexico	Mr. Pujalte
	Norway	Mr. Kolby
	Russian Federation	Mr. Gatilov
	Singapore	Mr. Yap
	Syrian Arab Republic	Mr. Atieh
	United Kingdom of Great Britain and Northern Ireland	Mr. Harrison
	United States of America	Mr. Cunningham

Agenda

The situation in Bosnia and Herzegovina

Report of the Secretary-General on the United Nations Mission in Bosnia and Herzegovina (S/2002/1314).

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

02-73422 (E)

The meeting was called to order at 10.45 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in Bosnia and Herzegovina

Report of the Secretary-General on the United Nations Mission in Bosnia and Herzegovina (S/2002/1314)

The President (*spoke in Spanish*): In accordance with the understanding reached in the Council's prior consultations, and in the absence of objection, I shall take it that the Security Council agrees to extend invitations under rule 37 of its provisional rules of procedure to His Excellency Mr. Mirko Šarović, Presiding Member of the Presidency of Bosnia and Herzegovina, His Excellency Mr. Sulejman Tihić, Member of the Presidency of Bosnia and Herzegovina, His Excellency Mr. Dragan Čović, Member of the Presidency of Bosnia and Herzegovina and His Excellency Mr. Dragan Mikerević, Prime Minister of Bosnia and Herzegovina.

There being no objection, it is so decided.

Mr. Mirko Šarović, Presiding Member of the Presidency of Bosnia and Herzegovina, Mr. Sulejman Tihić, Member of the Presidency of Bosnia and Herzegovina, Mr. Dragan Čović, Member of the Presidency of Bosnia and Herzegovina and Mr. Dragan Mikerević, Prime Minister of Bosnia and Herzegovina, were escorted to their seats at the Council table.

The President (*spoke in Spanish*): On behalf of the Council, I extend a warm welcome to the Members of the Presidency of Bosnia and Herzegovina and to the Prime Minister of Bosnia and Herzegovina.

In accordance with the understanding reached in the Council's prior consultations and in the absence of objection, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Jacques Klein, Special Representative of the Secretary-General for Bosnia and Herzegovina and Chief of Mission.

It is so decided.

I invite Mr. Klein to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations. Members of the Council have before them document S/2002/1314, which contains the report of the Secretary-General on the United Nations Mission in Bosnia and Herzegovina (UNMIBH).

At this meeting, the Security Council will hear briefings by Mr. Jacques Klein, Special Representative of the Secretary-General for Bosnia and Herzegovina and Chief of Mission, His Excellency Mr. Mirko Šarović, Presiding Member of the Presidency of Bosnia and Herzegovina, His Excellency Mr. Sulejman Tihić, Member of the Presidency of Bosnia and Herzegovina, and His Excellency Mr. Dragan Čović, Member of the Presidency of Bosnia and Herzegovina.

I welcome the presence of the Secretary-General, His Excellency Kofi Annan, to whom I give the floor.

The Secretary-General: It is a great pleasure to be here at this Security Council meeting on the conclusion of the United Nations missions in Bosnia and Herzegovina and in Prevlaka. Both these missions have successfully completed their mandates.

My report on the United Nations Mission in Bosnia and Herzegovina (UNMIBH) describes in detail what the mission has achieved and how it was done. It has completed successfully the most extensive police reform and restructuring project ever undertaken by the United Nations. In doing so, it broke new ground in the techniques of United Nations civilian-police operations. Bosnia and Herzegovina has now a police "fit for Europe"; this is the orientation of the country's leaders, and they will continue to pursue it. The presence of the Presidency of Bosnia and Herzegovina at today's session is a demonstration of their common determination to assume full responsibility for meeting the challenges ahead.

The United Nations Mission of Observers in Prevlaka (UNMOP) had a more modest objective. By monitoring the demilitarization of the Prevlaka peninsula, it helped to shield this strategically important area from the fighting and tensions in the vicinity. In this way, it maintained a favourable situation for an eventual negotiated settlement. I am encouraged by the signing, on 10 December, of a protocol between Croatia and the Federal Republic of Yugoslavia on an interim agreement along their

southern border. While this protocol does not pre-judge the terms of the final settlement, it is a tangible expression of willingness, on both sides, to settle the dispute in a good-neighbourly manner.

Our mission continues in Kosovo. But with the end of these two missions — both, in their way, successors to the United Nations Protection Force (UNPROFOR) — an era of United Nations involvement in the former Yugoslavia comes to an end. This era has seen some of peacekeeping's bitterest moments, which have left a lasting impression on the Organization and on all of us who were personally involved.

I believe that, over time, we have drawn important conclusions about the nature, scope and role of United Nations peacekeeping and have made it a better instrument for the international community. UNMIBH and UNMOP have shown that, with the right mandate, the cooperation of the parties and the strong support of the Security Council and United Nations Member States in general, United Nations peacekeeping operations can make an important difference.

The United Nations will, of course, stay engaged in the Balkans. The United Nations Interim Administration Mission in Kosovo is carrying out a complex mandate, together with our partners: the European Union (EU), the Organization for Security and Cooperation in Europe (OSCE) and the North Atlantic Treaty Organization (NATO).

In doing so, it makes use of many of the lessons learned from Bosnia and Herzegovina. And in Bosnia and Herzegovina itself, the United Nations family will continue to support the Government and the people.

In conclusion, I want to thank Jacques Klein and Rodolfo Sergio Mujica for the leadership they have provided; the men and women of the two missions for their devoted service; the contributing Governments, for making their personnel available; the leaders of the host countries for their cooperation; and finally, this Council itself, for the steadfast support it has given.

Without all of you, the good work would not have been possible.

The President (*spoke in Spanish*): I thank the Secretary-General for his statement.

I now give the floor to Mr. Jacques Klein, Special Representative of the Secretary-General for Bosnia and Herzegovina and Chief of Mission.

Mr. Klein (*spoke in French*): It is a great honour for me to be before the members of the Security Council once again to discuss, for the second time in six years, the successful completion of a United Nations peacekeeping operation. The conclusion of the United Nations Mission in Bosnia and Herzegovina (UNMIBH), in 19 days' time, represents, in the annals of United Nations peacekeeping, the most important police-sector reform and restructuring programme that the United Nations has ever undertaken.

For myself and for the women and men who are part of UNMIBH, this moment fills us with pride that we have done our job well, but it also fills us with humility, because we are aware of our inability to prevent or to swiftly put an end to the conflict that took place 1 decade ago, whose consequences were tragic and devastating. Despite the difficult start of United Nations peacekeeping in Bosnia and Herzegovina, we conclude our Mission with our heads held high, convinced that the United Nations has helped the country to embark on the path of peace and stability. As was emphasized by the Secretary-General during his recent visit to Sarajevo, a historic chapter is drawing to an end. We close that chapter with dignity.

(*spoke in English*)

The role given to the United Nations under Annex 11 of the Dayton Peace Accords has been fulfilled. We leave behind a legacy of democratic law enforcement; police forces fit for Europe. A platform now exists on which the people of Bosnia and Herzegovina, with continued help from the international community, can build a society based on respect for the rule of law and functioning democratic institutions.

On 1 January 2003, the European Union Police Mission (EUPM) will begin to build on UNMIBH's achievements to ensure continued professional police performance. The Brahimi report called for greater cooperation between United Nations peace operations and regional organizations. This first operation under the European Union Common Security and Defence Policy is the practical embodiment of that recommendation.

Greater European involvement assures the common citizen that Bosnia and Herzegovina is an integral part of Europe — that it cannot be left to languish in a Balkan no-man's land, isolated from mainstream European political and economic development. The country must now move ahead with progressive reforms focusing on the rule of law, on economic development and on higher education standards. With vision and perseverance, Bosnia and Herzegovina's leader — who honour us today with their presence — can take the country to its rightful place in the European family of nations.

But serious systemic challenges remain. Politically, the fundamental bargain that institutionally and organically links citizens together in a single State without the need for external props has not yet been struck. Strengthening State-level institutions by giving them the necessary legislative, executive and financial authority is essential for Bosnia and Herzegovina to be able to function as a modern State in its European context. Economically, Bosnia and Herzegovina faces a critical challenge. With 64 per cent of the gross domestic product consumed by Government bureaucracy, priority issues such as educational reform, investment, job creation and the rule of law suffer. The leaders of Bosnia and Herzegovina who are here today have in their hands the ability to reform the State apparatus in the interests of all of their citizens. I urge them to bring their bloated bureaucracies under greater fiscal discipline and to give Bosnia and Herzegovina, as a State, the revenue that it needs to survive and prosper.

As I have said before, justice and reconciliation will not take root until the country is rid of the malignant blight of war criminals. The continued freedom of Karadzic and Mladic, among others, keeps us all prisoners of the past and continues to demonstrate the international community's impotence in the face of evil. Bosnia and Herzegovina must fulfil its commitments to cooperate in full with the International Criminal Tribunal for the Former Yugoslavia (ICTY). Additionally, building up domestic capacities to try ICTY-approved war crimes cases is an essential and necessary step, and current efforts in that direction deserve our collective support.

The new High Representative, Lord Ashdown, has at last set the right priorities. His motto, "First justice, then jobs, through reform", captures what the people of Bosnia and Herzegovina expect and what political authorities must deliver. Bosnia and Herzegovina has suffered too long from a political culture in which elections were no more than a census of ethnicity. Politicians should carefully read the results of the most recent elections: programmes count; politicians can lose office. Despite the clear progress that has been made, the assistance and the involvement of the international community continue to be essential. But new Governments need to act quickly and resolutely to ensure meaningful reform.

I now turn to the details of UNMIBH's completion of its core mandate. The Secretary-General's report (S/2002/1314) before the Council updates our activities since June 2002 and puts them in their historical context. As the Council is aware, the mandate implementation plan has been the conceptual guide of the Mission for the past two years. With the Council's endorsement, it has virtually served as our mandate. Based on established international standards of competence and integrity, our intensive reform and restructuring efforts have culminated in the certification of individual officers and the accreditation of police administrations. Local partnership and ownership have been the key to the implementation and the sustainability of our objectives.

Allow me to elaborate on our qualitative and quantitative achievements. UNMIBH created mechanisms to verify and certify that all current and future police personnel are qualified professionals able to serve the public with competence and integrity. To determine individual integrity, each police officer has been comprehensively vetted according to strict criteria: wartime activities, housing status, academic credentials, performance and adherence to human rights standards. Senior police personnel were subject to additional checks to ensure that managers were fit to manage. To establish individual competency, all serving police officers were intensively trained in basic standards of democratic policing through the two police academies that UNMIBH established. Training has now been fully handed over to local ownership. As a result, local police forces today comprise 15,786 certified law enforcement officers.

UNMIBH instituted structural reforms in law enforcement institutions, on the one hand to address organizational management and personnel policy deficiencies carried over from the war, and on the other to institutionalize the separation of politics from policing. To ensure organizational competence, through

our systems analysis project, we opened up budgets to external audits, instituted effective management and human resource systems, and ensured internal and external oversight mechanisms. The establishment of local change management teams, with UNMIBH's oversight, to implement our recommendations ensured that that project would reflect a change in the "corporate culture".

Three police administrations have thus far received UNMIBH accreditation as meeting the basic standards of democratic policing. With the support of the High Representative, the legislative framework is now in place to accredit the remaining administrations by the end of the mandate. To ensure organizational integrity, we established independent Police Commissioners and Directors of Police in 12 police administrations to insulate police work from unlawful political interference.

Police forces should reflect the community that they serve. Minority representation now averages 10 per cent in all police administrations. Recruited female officers currently make up an average of 3 per cent of the total personnel strength. That baseline will be advanced through institutionalizing recruitment and deployment mechanisms.

We have learned that the greatest threat to international stability comes from the institutional weaknesses of States themselves — from the inability of new democracies to control borders, to fight organized crime and to cooperate with neighbouring States. The multi-ethnic State Border Service is now fully deployed, a key UNMIBH achievement in enhancing Bosnia and Herzegovina's statehood and territorial integrity. With the establishment of the State Information and Protection Agency (SIPA), Interpol national coordination bureau and intra-State and regional cooperative mechanisms, the country now has an integrated law enforcement network to facilitate national, regional and international cooperation.

To combat the reprehensible trade of human trafficking, in July 2001 UNMIBH initiated the Special Trafficking Operations Programme (STOP), the largest and most extensive anti-trafficking programme in South-East Europe, comprised of local police monitored by International Police Task Force (IPTF) officers.

UNMIBH's institution-building efforts also encompassed assistance to help Bosnia and Herzegovina play an active role as a United Nations Member State. Civilian police and military observers are now participating in three United Nations peace operations, and troops are ready for deployment as part of a composite unit. Bosnia and Herzegovina is no longer only a beneficiary of, but also a net contributor to, peace operations.

When UNMIBH leaves, our success will be judged not only by what has been achieved but also by what we are leaving behind. The impact of police reform is measured by police performance and the level of public trust and confidence.

The sea change in police professionalism has created the essential security conditions for an unprecedented number of minority returns. The United Nations High Commissioner for Refugees has registered more than 80,000 returns in the first nine months of this year — nearly the total year-end figure for 2001.

As a result of improved police planning and performance, public commemorations, re-inauguration of religious sites and large-scale inter-ethnic sporting and other events are, by and large, peaceful occurrences. The recent incident-free elections further attest to the high level of growing police professionalism.

With the establishment and deployment of the State Border Services (SBS), Bosnia and Herzegovina is no longer a springboard for illegal migrants into Europe. The dramatic reduction of illegal migration by more than 95 per cent over the last two years through the Sarajevo airport alone has benefited not only Bosnia and Herzegovina, but also the whole continent.

Intra-State and inter-State law enforcement cooperation is now routine,institutionalized at the ministerial level and operationalized through the Task Forces. The State of Bosnia and Herzegovina now has the functioning capacities and mechanisms to fight terrorism, organized crime and human trafficking both at home and in the region.

UNMIBH's Human Rights Office began coordinating joint IPTF and local police raids on establishments suspected of involvement in human trafficking in March 1999. Recognizing the magnitude of the problem, we established and monitored local

STOP teams in July 2001. Since then, over 830 raids have been conducted on 240 identified establishments. Of these, 152 have now been closed. Overall, several thousand women have been interviewed and more than 550 victims have been assisted with repatriation to their homelands. As a result of these operations, there are 52 ongoing prosecutions and 19 pending court cases, and 100 traffickers have been convicted.

In terms of police and public interface, we have witnessed a remarkable trend of growing public confidence and trust in the police. In sum, the transition of law enforcement agencies from tools of the State to professional servants of the public is firmly on track.

Complementing our core mandate, progress has been made and reinforced through two specialized United Nations Trust Funds. Through the United Nations Trust Fund for the Police Assistance Programme, $16.5 million has been provided for basic police equipment and facilities. Additionally, more than 540 quick-impact projects have been implemented from the United Nations Trust Fund for the Restoration of Essential Public Services, costing $25 million.

Finally, a few words on one of our greatest challenges — the legacy of Srebrenica. Our aims were not only to assist in healing the wounds of the survivors of the tragic massacre but also, in the scope of peace-building, to lay the foundations for recovery. We encouraged multi-ethnic representation in the police forces to build confidence for returnees, and as many as 3,500 Bosniacs have returned to the wider Srebrenica region so far. From the United Nations Trust Fund we disbursed over $1.6 million on infrastructure, including funding and construction of a model community police station. Additionally, in close cooperation with United Nations Development Programme (UNDP), we initiated the Srebrenica Regional Recovery Programme. The Secretary-General's meeting, during his recent visit to Sarajevo, with representatives of one of the survivor groups, the Mothers of Srebrenica, served as another reminder that they are not forgotten.

Work has commenced on a project led by the Office of the High Representative to construct the Srebrenica-Potocari Memorial Cemetery. I take this opportunity to urge all Member States to lend their full support to fund-raising efforts to complete plans for the site and enable the burial of the victims to begin. At the very least, we owe the victims burials with dignity.

Today, UNMIBH has reached the point where we have confidence in passing the baton of police reform to a smaller successor mission. The seamless transition to the European Police Mission is well advanced. I welcome their agreement to give priority to the SBS, SIPA and the maintenance of effective counter-trafficking measures. I am also glad that the EUPM intends to continue a robust approach to organized crime. We are confident that under this framework our achievements will be sustained and UNMIBH's legacy preserved. The EUPM deserves the Council's full political support.

Even with such a solid baseline, challenges remain. Attention will be required to safeguard the integrity of police forces from political influence. For UNMIBH, this has been one of our overriding priorities. Unless efforts continue along these lines, sustainability of the achievements made so far in police reform and restructuring will be seriously undermined. Politics must be kept out from policing.

In the context of overall establishment of rule of law, there is a vast disparity between the levels of judicial reform and that of the police. UNMIBH's Criminal Justice Advisory Unit partially filled the void. However, definitive closure of this gap will depend on an accelerated pace of judicial reform. The fullest support is required for this already prioritized reform item for the sake of eliminating parasitic criminality and opening the doors to foreign investment.

Seven years of UNMIBH and a decade of United Nations peacekeeping in Bosnia and Herzegovina are about to end. Many lessons have been learned. I hope that one aspect of UNMIBH's legacy will be the application of the Mission's lessons to other peace operations. Two primary examples come to mind.

First, we have reached this closing phase only by knowing where we wanted to go. UNMIBH's mandate implementation plan encompassed our strategic and operational vision and our exit strategy. It helped to prioritize projects for international donor assistance and represented a process of local capacity-building for the eventual taking over of the tasks of police professionalization. I am heartened that this approach has found resonance for the work of the international community in Bosnia and Herzegovina with the

development of an Office of the High Representative mission implementation plan.

Second, a holistic approach to rule of law must happen early in a post-conflict situation and all the necessary tools put in one hand. Police reform and restructuring is only one aspect of the rule of law. Without complementarity and simultaneous reform of all areas, the rule of law will be a chain only as strong as its weakest link. A pillar construct must be in place to ensure the simultaneous professionalization of the full sector - police, judiciary and prison systems.

UNMIBH is a success. A mandate has been implemented, and there are visible signs that reforms are at work. The quality of the women and men of UNMIBH, representing 96 nations and 43 police-contributing States, and the support of the Council and of the Secretariat under the leadership of the Secretary-General have made this Mission our collective success.

You, the members of the Security Council, have provided the critical direction and means for UNMIBH to implement its core mandate. It has been an exemplary collaborative effort. Our colleagues in the Department of Peacekeeping Operations have been unwavering in their support and assistance, and their confidence in us has been an inspiration. To the Secretary-General, I would like to extend particular thanks and appreciation for his leadership not only in guiding the United Nations, but for his recent visit to Sarajevo to mark the end of an important chapter in United Nations peacekeeping in the Balkans. It also represented the realization of the Mission that he personally initiated in 1995.

(*spoke in French*)

We have witnessed in recent years the fulfilment of a partnership between the authorities and people of Bosnia and Herzegovina and the United Nations. Together we are closing this peacekeeping chapter. The United Nations system will, however, continue to work in other ways to help the people of Bosnia and Herzegovina to build a better future. The path has been laid out: it leads towards a Europe-oriented future, on the basis of a spirit of reform and responsible leadership. I sincerely hope that the promise of a European future will enable the citizens of Bosnia and Herzegovina to attain the goals to which they collectively aspire.

Before the work of UNMIBH is finalized, I would like to give the Council a small gift as an expression of our appreciation for its ongoing support and encouragement, which has helped us to complete our mandate and accomplish our mission successfully.

The President (*spoke in Spanish*): I thank Mr. Klein, Special Representative of the Secretary-General for Bosnia and Herzegovina and Chief of Mission, for his comprehensive briefing, which has supplemented his previous briefings. I would also like, on behalf of the members of the Council, to thank him for the gift that he has given us on this important and historic occasion.

I now give the floor to Mr. Mirko Šarović, Presiding Member of the Presidency of Bosnia and Herzegovina.

Mr. Šarović (Bosnia and Herzegovina) (*spoke in Serbian; interpretation provided by the delegation*): I should like to thank you, Mr. President, for inviting me to participate in this important meeting. I believe that the final report of the Secretary-General on the United Nations Mission in Bosnia and Herzegovina (S/2002/1314) represents the end of one era and the beginning of another in Bosnia and Herzegovina.

Unfortunately, at the beginning of previous decade, the situation in Bosnia and Herzegovina was often under consideration in this Chamber. By adopting resolution 1031 (1995), which welcomed the Peace Agreement reached under United Nations auspices, the Council established the International Police Task Force, whose role was of great importance for the post-Dayton Bosnia and Herzegovina. The Council thus provided for the implementation of the comprehensive Peace Agreement by defining the mandate of the United Nations peacekeeping mission.

The United Nations Mission in Bosnia and Herzegovina is about to complete its mandate. We are grateful to the United Nations and to all those who have supported the mission and sent troops to Bosnia and Herzegovina. We consider the withdrawal of the peacekeeping operation to be a sign of confidence in Bosnia and Herzegovina. We believe that other international missions will gradually be withdrawn, so that the local infrastructure can take over their roles in Bosnia and Herzegovina.

The role of the United Nations mission was of key importance in assisting the parties to ensure stability and establish the reform process, including the restructuring of the police force, with a view to creating a foundation for the rule of law. The United Nations mission helped to establish the State Border Service, which recently assumed the full control of the State border.

With the completion of the UNMIBH mandate, the European Union Police Mission will take over the process of institution-building in Bosnia and Herzegovina. Given Bosnia and Herzegovina's orientation towards integration into Europe, we fully support the transition from the United Nations Mission in Bosnia and Herzegovina to the European Union mission, as well as continued cooperation with its special agencies there.

With that transition, the United Nations mandate in Bosnia and Herzegovina will have been successfully completed. I would like to express my gratitude to the United Nations, the Secretary-General and the Special Representative of the Secretary-General, Mr. Jacques Paul Klein, as well as to all other personnel of the mission. It was a very successful mission.

Given our efforts aimed at peace, both in Bosnia and Herzegovina and in the institutions and bodies of the United Nations, I would like to remind the Council that we have submitted our candidacy for non-permanent membership of the Security Council for 2010-2012. We believe that we will be able to create an environment and build an infrastructure that transforms our shortcomings into advantages, as we will be able to use the experience gained during the foundation of Bosnia and Herzegovina in the fight against crime and terrorism and thus contribute to the building of democracy in our country and in the world.

Bosnia and Herzegovina is playing an active role in the fight against terrorism. We are ready to support the United Nations in its war against terrorism, as well as the United Nations activities pursuant to resolution 1373 (2001).

Bosnia and Herzegovina is fully committed to the implementation of United Nations resolutions. During Secretary-General Kofi Annan' visit to Bosnia and Herzegovina, the representatives and the Council of Ministers of Bosnia and Herzegovina confirmed their absolute commitment to reform and to the European and Euro-Atlantic integration processes. In this connection, following the October elections in Bosnia and Herzegovina, our newly elected three-member Presidency, which represents our three constituent peoples and two entities, would like to emphasize its determination to continue the process of democratic transformation as we move towards sustainable peace and democracy.

We have a common responsibility and a common goal to ensure a brighter future for our children. I would like to note that, since the general election, we have been working to build a sustainable governmental infrastructure. The State and entity governments of Bosnia will have a new administration, and I am convinced that, working in partnership, we will continue to move towards reform and away from internal conflict. I believe that, in place of the bad news, we will increasingly be hearing good news from Bosnia and Herzegovina. Finally, I would like to take this opportunity to express my gratitude to Mr. Jacques Paul Klein for the work about which he spoke.

The President (*spoke in Spanish*): I thank Mr. Mirko Šarović for his comprehensive briefing and for the kind words he addressed to me.

I give the floor to Mr. Dragan Cović, Member of the Presidency of Bosnia and Herzegovina.

Mr. Cović (Bosnia and Herzegovina) (*spoke in Croatian; interpretation provided by the delegation*): I would like to echo the gratitude expressed by Mr. Mirko Šarović for the invitation to participate in today's meeting and for the assistance that the Council has for years been extending to Bosnia and Herzegovina on its path towards peace and the building of a sustainable State.

In order to ensure a brighter future for Bosnia and Herzegovina, we are firmly committed to European integration and to the application of European standards at all stages of democracy-building, on the basis of internationally recognized norms, especially in the field of human rights.

The creation of a politically stable country that fully respects human rights must be based on equality for all peoples in Bosnia and Herzegovina.

The Bosnia and Herzegovina we all wish to see must ensure sovereignty and constitutionality for Serbs, Bosnians and Croats throughout its territory as well as ensure that their rights are protected. Only in this way can a multi-ethnic State become a community

of equal citizens working together to achieve common goals.

Full institutional legal protection for all ethnic groups is a requirement in order to ensure political freedom for each and every citizen.

Our economic and financial reforms will be achieved through the harmonization of tax rates and customs regulations. Other reforms will also be undertaken on our path towards European integration.

The creation of a unified economic space and the finalization of bilateral agreements on the promotion and protection of investments, the agreement on free trade, the reform of the financial sector and efforts to attract direct foreign investment are not merely election promises, but rather the strategy we are using to join the ranks of those countries that are not only economically sustainable but also able to attract investments.

The implementation of educational reform and the promotion of scientific, cultural and technical cooperation are preconditions for the creation of opportunities that will keep young people in Bosnia and Herzegovina and enable them to become active players in their own development and future. The achievement of peace, development and stability in this part of Europe is closely linked to the rebuilding and restoration of the infrastructure in this field.

The Presidency supports the strategy of "First justice, then jobs, through reform" set out by the High Representative. Bosnia and Herzegovina therefore remains fully committed to cooperation with the High Representative, primarily through dialogue. As the old proverb says, "Agreement builds a house".

Therefore, I would stress once again our readiness to reform the legal system, establish the rule of law, create economic sustainability and new jobs, promote the return of qualified young people from abroad, improve the educational system and promote scientific, educational and cultural cooperation with other countries in the region and in the world.

I would like to inform the Council that important progress has been made with respect to Bosnia and Herzegovina's accession to the Partnership for Peace and to NATO. We are also working actively to finalize the process of joining the World Trade Organization. We are currently working to fully and unconditionally fulfil our obligations under the road map, which will enable us to begin preparations for Bosnia and Herzegovina's admission to the European Union.

The existence of a large number of mine fields is a tremendous problem for Bosnia and Herzegovina, which is working to implement and strengthen the Ottawa Convention on landmines.

We are also endeavouring further to reduce military expenses and to effect further reform in the armed forces in Bosnia and Herzegovina, especially with respect to the establishment of civil control over the armed forces, which is a precondition for Bosnia's accession to Partnership for Peace and to NATO.

Bosnia and Herzegovina fully supports the universal implementation of the Programme of Action agreed upon at the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects.

Our relations with neighbouring countries are based on equality, full independence, sovereignty and territorial integrity. In this regard, the goal of the Presidency of Bosnia and Herzegovina is to ensure that the ongoing process of the establishment of good-neighbourly relations with Croatia and Yugoslavia takes place on the basis of mutual trust and assistance. We support full and open cooperation, in particular on such important issues as the struggle against the traffic in human beings, organized crime and terrorism.

We in Bosnia and Herzegovina believe that regional cooperation is a key factor in the establishment of peace in the region and an indispensable element of our efforts towards European integration.

I should like to thank Mr. Klein and the Security Council for all of their efforts in Bosnia and Herzegovina.

The President (*spoke in Spanish*): I thank Mr. Covic for his comprehensive briefing and for the kind words he addressed to the Security Council.

I give the floor to Mr. Sulejman Tihić, Member of the Presidency of Bosnia and Herzegovina.

Mr. Tihić (Bosnia and Herzegovina) (*spoke in Bosnian; interpretation provided by the delegation*): I would like to reiterate the gratitude expressed by my colleagues. The citizens of Bosnia and Herzegovina will never forget the fact that 200 members of United

Nations forces lost their lives while carrying out a peace mission in our country.

I should like to stress that, although the mandate of the United Nations Mission will be completed on 31 December 2002, Bosnia and Herzegovina will need the help of the United Nations in future as well.

We need support with respect to the return of refugees, almost half of whom have not yet returned, or have not been allowed to return, to their prewar homes. This is true even today, seven years after the signing of the Dayton Peace Accords. The return of refugees is a precondition for lasting stability in Bosnia and Herzegovina. Those who have returned have very hard lives, since they have no jobs and their property has been damaged or destroyed. We therefore consider the involvement of United Nations structures providing support for the return of refugees as being very important. The return of refugees means reversing ethnic cleansing. It also sends a clear message that anything created out of violence and crime will never be legitimized.

The International Criminal Tribunal for the Former Yugoslavia (ICTY) will play a significant role in creating lasting peace, justice and confidence among ethnic groups. Unfortunately, the most notorious war criminals in Europe since the Second World War, Radovan Karadzic and Ratko Mladic, are still at large. We therefore strongly support the work of the Tribunal. We request the Security Council to provide its full support to the Tribunal and to ensure that all parties involved provide their unreserved cooperation to the ICTY.

I must apologize, on this happy occasion, for having to mention Srebrenica. However, I believe it is my duty to do so — a duty I owe to both the victims and the truth, as well as to the cause of ensuring that the events at Srebrenica are never again repeated anywhere in the world.

On his recent visit to Sarajevo, Secretary-General Kofi Annan said that the darkest chapter of the history of the United Nations was written at Srebrenica, which had been a United Nations safe haven. Srebrenica became the site of the worst war crime in Europe since the Second World War. The safe haven of Srebrenica was not protected and, as a consequence, an act of genocide took place that resulted in the murders of 7,000 to 10,000 people, mainly civilians. The responsibility of the United Nations in that tragedy is indisputable.

With regard to Srebrenica, I would also like to remind the Council that the families of the victims of Srebrenica have not yet returned to their homes. Neither have the victims received proper burial, as their remains are currently housed in morgues throughout Bosnia and Herzegovina. I appeal to the United Nations to help the survivors of Srebrenica to return to their homes and to assist them in burying the remains of the victims with honour. We are also working to build a memorial at Srebrenica.

I would like to join my colleagues in saying that we view positively the work of the United Nations in Bosnia and Herzegovina. It is thanks to United Nations Mission that Bosnia is now a stable country on the road to progress that is becoming a factor of stability in the entire region.

I would also like to thank Secretary-General Kofi Annan for the understanding he showed the victims of Srebrenica and for his personal involvement. I believe he will continue to do whatever he can to help survivors return and ensure the proper burial of the victims, as well as to see to it that the criminals responsible are punished.

My particular gratitude goes out to Special Representative Jacques Paul Klein for his personal involvement in helping Bosnia and Herzegovina. The people of Bosnia and Herzegovina will always remember him. During his mandate Bosnia was able to establish a single license plate, passport and customs and border controls.

The President (*spoke in Spanish*): Following consultations among members of the Security Council, I have been authorized to make the following statement on behalf of the Council:

> "The Security Council welcomes the briefing by the Special Representative of the Secretary-General and Coordinator of the United Nations Operations in Bosnia and Herzegovina.
>
> "The Security Council reaffirms its commitment to support the implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto, collectively the Peace Agreement (S/1995/999/annex), as well as the relevant decisions of the Peace Implementation Council.

"The Security Council takes this opportunity to express its deep appreciation for the efforts of the Secretary-General, his Special Representative Mr. Jacques Paul Klein and the personnel of the United Nations Mission in Bosnia and Herzegovina (UNMIBH), which includes the International Police Task Force, for the contributions to the implementation of the Peace Agreement. The Council highly appreciates the achievements of cooperative efforts in bringing about the successful conclusion of UNMIBH's mandate, which will expire on 31 December 2002, and expresses its thanks to all of the countries which took part in and contributed to the accomplishments of this Mission.

"The Security Council welcomes the decision of the European Union (EU) to send a Police Mission (EUPM) to Bosnia and Herzegovina from 1 January 2003, as part of a broader rule of law approach, as well as the close coordination between all those concerned to ensure a seamless transition of responsibilities from the IPTF to the EUPM, with the participation of the interested States which are not members of the EU.

"The Security Council reiterates that the primary responsibility for the further successful implementation of the Peace Agreement lies with the authorities in Bosnia and Herzegovina themselves and that the continued willingness of the international community and major donors to assume the political, military and economic burden of implementation and reconstruction efforts will be determined by the compliance and active participation by all the authorities in Bosnia and Herzegovina in implementing the Peace Agreement and all the reforms needed to rebuild a civil society.

"The Security Council reaffirms its commitment to the principles of the sovereignty and territorial integrity and inviolability of the borders of Bosnia and Herzegovina. The Council encourages a continued commitment by Bosnia and Herzegovina to the promotion of peace and stability in the region, including through enhanced political and economic cooperation.

"The Security Council expresses its intention to keep the implementation of the Peace Agreement, and the situation in Bosnia and Herzegovina under review. The Council invites the EU to keep it regularly informed as appropriate on the activities of EUPM."

This statement will be issued as a document of the Security Council under the symbol S/PRST/2002/33.

There are no further speakers inscribed on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 11.45 a.m.

United Nations S/PV.4662

Security Council

Fifty-seventh year

Provisional

4662nd meeting

Thursday, 12 December 2002, 11.55 a.m.

New York

President:	Mr. Valdivieso	(Colombia)
Members:	Bulgaria	Mr. Yakimov
	Cameroon	Mr. Tidjani
	China	Mr. Chen Xu
	France	Mr. Duclos
	Guinea	Mr. Boubacar Diallo
	Ireland	Mr. Ryan
	Mauritius	Mrs. Huree-Agarwal
	Mexico	Ms. Anguiano Rodríguez
	Norway	Mr. Kolby
	Russian Federation	Mr. Gatilov
	Singapore	Mr. Yap
	Syrian Arab Republic	Mr. Atieh
	United Kingdom of Great Britain and Northern Ireland	Mr. Harrison
	United States of America	Ms. Connelly

Agenda

The situation in Croatia

Report of the Secretary-General on the United Nations Mission of Observers in Prevlaka (S/2002/1341).

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

02-73428 (E)

The meeting was called to order at 11.55 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in Croatia

Report of the Secretary-General on the United Nations Mission of Observers in Prevlaka (S/2002/1341)

The President *(spoke in Spanish)*: I should like to inform the Council that I have received a letter from the representative of Croatia in which she requests to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the discussion, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Ms. Ognjanovac (Croatia) took a seat at the Council table.

The President *(spoke in Spanish)*: In accordance with the understanding reached in the Council's prior consultations and in the absence of objection, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Jean-Marie Guéhenno, Under-Secretary-General for Peacekeeping Operations.

There being no objection, it is so decided.

I invite Mr. Guéhenno to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/2002/1341, which contains the report of the Secretary-General on the United Nations Mission of Observers in Prevlaka (UNMOP).

Members of the Council also have before them photocopies of a letter dated 10 December 2002 from the Permanent Representative of Yugoslavia and the Chargé d'affaires ad interim of the Permanent Mission of Croatia to the United Nations addressed to the President of the Security Council, transmitting the Protocol between the Federal Republic of Yugoslavia and the Republic of Croatia on the Interim Regime along the Southern Border between the Two States signed on 10 December 2002 by the Ministers for Foreign Affairs of Yugoslavia and Croatia. That letter and its annex will be issued as a document of the Security Council under the symbol S/2002/1348.

At this meeting the Security Council will hear a briefing by Mr. Jean-Marie Guéhenno, Under-Secretary-General for Peacekeeping Operations, to whom I now give the floor.

Mr. Guéhenno: This is the last time I shall have the honour to introduce a report of the Secretary-General on the United Nations Mission of Observers in Prevlaka (UNMOP). The present report (S/2002/1341) summarizes the developments on Prevlaka until 10 December 2002, and as you noted, Sir, on that date — to our great pleasure — the Governments of Croatia and of the Federal Republic of Yugoslavia signed the Protocol on the Interim Regime along the Southern Border between the Two States. That was, without any doubt, a significant step forward by the two countries on their way to full normalization of their relations. For us at the United Nations, it means that the United Nations Mission of Observers in Prevlaka, which monitored the demilitarization of the Prevlaka peninsula, can withdraw with confidence that their work has been successfully accomplished.

That task, worthwhile in itself, had two major effects. It helped to insulate the strategically important peninsula from the fighting and tensions in the vicinity, and it later created conditions conducive to negotiations by the parties on a settlement of the dispute.

The signing of the Protocol paved the way for a smooth and orderly handover of the UNMOP area of responsibility to the local authorities. An expert team from Croatia is already on the peninsula to work with UNMOP on the technical aspects of the handover of the former naval base and its lighthouse, which incidentally has been maintained and run by UNMOP military observers for the last 10 years. To the best of my knowledge it is the first lighthouse ever to be operated by the United Nations.

The Federal Republic of Yugoslavia has also nominated personnel for conducting the handover on its side. Therefore, UNMOP has started the repatriation of its personnel and by today, 12 December, the Mission is down to about 10 military observers. Starting on 15 December, most of them will also be repatriated, and only three military observers will be left, to be available for about another week to liaise with the representatives of the two sides to ensure that the handover is completed in a secure and effective manner.

In conclusion, I would like to put on record our appreciation for those 25 Governments, from all five continents, which contributed to this truly international mission. This spirit of internationalism was also reflected by the successive Chief Military Observers of UNMOP who came, in the best United Nations tradition, from all corners of the globe: Colonel Tangai from Kenya, Colonel Williams from New Zealand and Colonel Mujica from Argentina. They and the men and women who served under them, deserve our thanks.

The end of the UNMOP mandate brings to a close, not only a decade of United Nations involvement in that part of the Balkans, but also a mission which demonstrated, as the Secretary-General stated in his report, that "even a small United Nations presence, properly conceived and executed, can make a difference" *(S/2002/1341, para. 12)*.

The President *(spoke in Spanish)*: I thank Mr. Guehenno for his briefing and for the way in which he stressed the importance of this occasion: the completion of the United Nations Mission of Observers in Prevlaka.

Following consultations among members of the Security Council, I have been authorized to make the following statement on behalf of the Council:

"The Security Council welcomes the Protocol signed by the Government of Croatia and the Government of the Federal Republic of Yugoslavia on 10 December 2002, establishing a provisional cross-border regime on the Prevlaka peninsula, as referred to in the letter from their permanent representatives dated 10 December 2002 (S/2002/1348). The Protocol represents a further step forward in the process of strengthening of confidence and good-neighbourly relations between both countries. The Council welcomes the commitment of both Governments to continue negotiations on Prevlaka with a view to amicably resolving all outstanding issues, and commends their diplomatic efforts to bolster peace and stability in the region.

"The Council commends the important role played by the United Nations Mission of Observers in Prevlaka (UNMOP) in helping to create conditions conducive to a negotiated settlement of the dispute. The Council takes this opportunity to express its appreciation for the efforts of all UNMOP personnel, past and present, and its gratitude to those countries that contributed personnel or other resources in the successful completion of its mandate."

This statement will be issued as a document of the Security Council under the symbol S/PRST/2002/34.

There are no further speakers inscribed on my list. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 12.10 p.m.

United Nations S/PV.4663

Security Council

Fifty-seventh year

Provisional

4663rd meeting

Thursday, 12 December 2002, 12.10 p.m.

New York

President:	Mr. Valdivieso	(Colombia)
Members:	Bulgaria	Mr. Yakimov
	Cameroon	Mr. Tidjani
	China	Mr. Chen Xu
	France	Mr. Duclos
	Guinea	Mr. Boubacar Diallo
	Ireland	Mr. Ryan
	Mauritius	Mrs. Huree-Agarwal
	Mexico	Ms. Anguiano Rodriguez
	Norway	Mr. Kolby
	Russian Federation	Mr. Gatilov
	Singapore	Mr. Yap
	Syrian Arab Republic	Mr. Atieh
	United Kingdom of Great Britain and Northern Ireland	Mr. Harrison
	United States of America	Ms. Connelly

Agenda

The situation in Somalia

Report of the Secretary-General on the situation in Somalia (S/2002/1201)

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. The final text will be printed in the *Official Records of the Security Council*. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-154A.

02-73524 (E)

The meeting was called to order at 12.10 p.m.

Adoption of the agenda

The agenda was adopted.

The situation in Somalia

Report of the Secretary-General on the situation in Somalia (S/2002/1201)

The President (*spoke in Spanish*): I should like to inform the Council that I have received a letter from the representative of Somalia in which he requests to be invited to participate in the discussion on the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the discussion, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Hashi (Somalia) took a seat at the Council table.

The President (*spoke in Spanish*): The Security Council will now continue its consideration of the item on its agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them the report of the Secretary-General on the situation in Somalia, contained in document S/2002/1201.

Following consultations among members of the Security Council, I have been authorized to make the following statement on behalf of the Council:

"The Security Council, recalling its previous decisions concerning the situation in Somalia, in particular the statement of its President of 28 March 2002 (S/PRST/2002/8), resolution 733 (1992) of 23 January 1992 and resolution 1425 (2002) of 22 July 2002, and taking note of the report of the Secretary-General of 25 October 2002 (S/2002/1201), reaffirms its commitment to a comprehensive and lasting settlement of the situation in Somalia and reaffirms its respect for the sovereignty, territorial integrity, political independence and unity of the country, consistent with the purposes and principles of the Charter of the United Nations.

"The Security Council firmly supports the unified approach of the Intergovernmental Authority on Development (IGAD) to national reconciliation in Somalia, and reiterates its strong support for the Somalia National Reconciliation Process and the ongoing Somalia National Reconciliation Conference in Eldoret, Kenya, as sponsored by IGAD. The Council urges all parties throughout Somalia to participate in the process in accordance with the framework established by IGAD, and expects the decisions adopted throughout the process to be abided by and implemented expeditiously, including the Declaration on Cessation of Hostilities and the Structures and Principles of the Somalia National Reconciliation Process, signed by all delegates in Eldoret on 27 October 2002 (hereinafter referred to as the 'Eldoret Declaration').

"The Security Council welcomes the Eldoret Declaration as an important step towards the overriding objective of ending the violence and the suffering of the Somali people and bringing them the peace they so dearly deserve. The Council calls on all parties to cease all acts of violence and to respect the cessation of hostilities.

"The Security Council further welcomes the Joint Declaration issued by the involved parties in Mogadishu on 2 December 2002 (hereinafter referred to as the 'Mogadishu Declaration'), including their stated commitment to cease all hostilities and jointly bring an end to all killings and abductions of innocent people and hijacking of public transportation in the city, as well as to solve all differences through dialogue and goodwill. The Council notes the further agreement reached on 4 December 2002 by involved parties to cooperate through peaceful means in order, inter alia, to reopen the International Airport and Seaport in Mogadishu and to restore public services in the city.

"The Security Council notes with satisfaction the commencement of the second phase of the Somalia National Reconciliation Process in Eldoret on 2 December 2002 and welcomes this as a significant step forward. The

Council will continue to follow this Process with keen interest and strongly encourages all parties to continue to participate constructively, in accordance with the framework established by the IGAD Technical Committee, in a spirit of tolerance and mutual accommodation during each phase of the Process.

"The Security Council commends the Government of Kenya for its special commitment as host and IGAD's Technical Committee, comprised of the three frontline States, Kenya, Ethiopia and Djibouti, for its crucial role in facilitating the Process. The Council strongly encourages their continued active and positive role in promoting the Process.

"The Security Council encourages Member States in a position to do so urgently to provide further contributions in support of the Process through the IGAD Technical Committee.

"The Security Council, condemning recent attacks on humanitarian personnel and civilians in Somalia, welcomes the agreement by all delegates in Eldoret to guarantee the security of all humanitarian and development personnel and installations, and urges them to take practical steps to grant safe and unfettered access to humanitarian personnel in their efforts to deliver assistance throughout Somalia.

"The Security Council expresses serious concern regarding the situation of displaced persons in Somalia and urges relevant authorities and Member States to provide support for the return and reintegration of Somali refugees and the provision of urgent humanitarian assistance to, and protection for, those who have been internally displaced. It notes with particular concern the situation of 150,000 internally displaced persons in areas of Mogadishu that remain inaccessible to humanitarian workers. The Council calls on the armed factions to provide immediate safe access to these and other vulnerable populations throughout the country, consistent with the Eldoret Declaration and the Mogadishu Declaration.

"The Security Council calls again on all Member States, entities and individuals to respect fully the arms embargo established by resolution 733 (1992), as strengthened by resolution 1425 (2002), and urges all Somali and regional parties as well as Government officials and other actors contacted outside the region to cooperate fully with the Panel of Experts in its quest for information related to the embargo, in accordance with resolution 1425 (2002) and article 2.5 of the Eldoret Declaration. The Council appreciates the Panel's oral briefing on 14 November 2002 to the Council, through the Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia, and looks forward to the Panel's written report at the end of its mandated period.

"The Security Council requests the Secretary-General to continue putting in place, in a coherent manner, preparatory activities on the ground for a comprehensive post-conflict peace-building mission in Somalia once security conditions permit, as stipulated in the statement by the President of the Council of 28 March 2002.

"The Security Council recognizes that a comprehensive post-conflict programme for disarmament, demobilization, rehabilitation and reintegration will be an important contribution for peace and stability in Somalia.

"The Security Council encourages the Secretary-General to support actively the IGAD-sponsored Somalia National Reconciliation Process and the ongoing Conference in Eldoret.

"The Security Council expresses its commitment to assist the parties in the implementation of the steps and conclusions for peace, as adopted throughout the Somalia National Reconciliation Process."

This statement will be issued as a document of the Security Council under the symbol S/PRST/2002/35.

The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 12.20 p.m.

United Nations S/PV.4664

Security Council

Fifty-seventh year

Provisional

4664th meeting

Friday, 13 December 2002, 10 a.m.

New York

President	Mr. Valdivieso	(Colombia)
Members	Bulgaria	Mr. Tafrov
	Cameroon	Mr. Tidjani
	China	Mr. Jiang Jiang
	France	Mr. De la Sablière
	Guinea	Mr. Boubacar Diallo
	Ireland	Mr. Ryan
	Mauritius	Mrs. Napaul
	Mexico	Mr. Aguilar Zinser
	Norway	Mr. Strømmen
	Russian Federation	Mr. Konuzin
	Singapore	Mr. Mahbubani
	Syrian Arab Republic	Mr. Wehbe
	United Kingdom of Great Britain and Northern Ireland	Sir Jeremy Greenstock
	United States of America	Mr. Cunningham

Agenda

The situation in Afghanistan.

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02-73753 (E)

The meeting was called to order at 10.20 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in Afghanistan

The President (*spoke in Spanish*): I should like to inform the Council that I have received a letter from the representative of Afghanistan in which he requests to be invited to participate in the discussion of the item on the Council's agenda. In conformity with the usual practice, I propose, with the consent of the Council, to invite that representative to participate in the discussion, without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, Mr. Farhádi (Afghanistan) took a seat at the Council table.

The President (*spoke in Spanish*): In accordance with the understanding reached in the Council's prior consultations, and in the absence of objection, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Hédi Annabi, Assistant Secretary-General for Peacekeeping Operations.

There being no objection, it is so decided.

I invite Mr. Annabi to take a seat at the Council table.

The Security Council will now begin its consideration of the item on its agenda. The Security Council is meeting in accordance with the understanding reached in its prior consultations.

At this meeting, the Security Council will hear a briefing by Mr. Hédi Annabi, Assistant Secretary-General for Peacekeeping Operations.

I now give the floor to Mr. Annabi.

Mr. Annabi: As members of the Council will recall, Mr. Lakhdar Brahimi, the Special Representative of the Secretary-General, last briefed the Council on 30 October. I am pleased to have this opportunity to provide an update on the main developments since that date.

On 2 December, the main participants in the Bonn Conference reconvened there to review the progress made so far and to reaffirm their commitment to the peace process in Afghanistan. Mr. Brahimi, who attended the meeting, has asked me to express his gratitude to the Government of Germany for organizing that anniversary conference. The participants rightly took note of the many achievements of the past year.

Looking ahead, however, they identified a number of specific challenges. These include the importance of building a national army and national police that are effective and ethnically balanced; the need to intensify efforts to combat the production and trafficking of drugs; the need to develop a culture of respect for human rights and the national mechanisms to monitor and investigate violations; the need to continue efforts to create a legal and institutional framework conducive to national development; the need for the international community to strengthen Afghan ownership of the reconstruction and development process and to endorse the use of the budget as a central tool of policy-making; the need for the Afghan Government and the international community to consult to establish clear benchmarks and time lines to ensure the full implementation of the Bonn Agreement; and the importance of the preparation of a new constitution and the preparation for free and fair elections, scheduled to be held by June 2004.

Finally, I am pleased to inform the Council that, as discussed at the Bonn meeting, Afghanistan and its neighbouring States have agreed to sign, on 22 December in Kabul, an agreement on good-neighbourly relations, mutual cooperation and non-interference in their respective internal affairs. This is, of course, a very welcome signal of commitment on the part of the States concerned to ensuring that relations between Afghanistan and its neighbours will contribute to regional stability and development.

As this summary indicates, many challenges remain, but with the continued commitment of the international community progress towards these goals is achievable. One clear example of this has been the recent significant decisions taken on the creation of a new national Afghan army. In accordance with the agreements reached by the various factions participating in the national Defence Commission last month, President Karzai signed a decree on 1 December establishing an Afghan national army of

70,000 of all ranks that is foreseen to be unified, under civilian control and staffed on the principles of merit and ethnic balance. The main elements of that decree are included in a fact sheet which, I believe, was distributed to members of the Council yesterday and we, of course, have the full text of the decree available to those members of the Council who may not have seen it.

Having said that, the realization of an effective national army requires unity among all international actors. It is essential that the international community provide both political and financial support to the reform of the security sector, which is vital to the peace process. For this purpose, a letter will shortly be forwarded by the Special Representative to prospective donor countries seeking contributions to the United Nations-administered Trust Fund.

In the absence of an effective national force, the lack of security across the country remains a major concern. In Kabul, during the reporting period there was an increase in the number of armed robberies, car thefts and murders. At the end of November, six rockets were fired into the city; fortunately, there were no casualties, but these events have unsettled the city's population.

In the North, a formal commitment signed by General Dostum and General Atta to refrain from violence has so far resulted in a reduction in the number of incidents of factional fighting. The West, however, has again seen heavy fighting between forces belonging to the Governor of Herat, Ismael Khan and a local Pashtun leader, Amanullah Khan. Many casualties were reported on both sides. A delegation from the Government managed to negotiate a ceasefire on 3 December, but the situation is still very fragile. Fighting has broken out between the two sides several times this year and the bitter rivalry between Ismael Khan and Amanullah Khan does not bode well for long-term peace in that area.

In Kandahar, tribal rivalries, which have been simmering since the fall of the Taliban last year, came to a head when forces belonging to Governor Gul Agha, from the Barakzay tribe, sought to disarm police under the command of General Akram, from the Alokozai tribe. Three people were killed and several others injured. The dispute over responsibility for security and law and order in the city remains unresolved.

In the Southern province of Uruzgan, several prominent Taliban leaders were recently arrested by the local intelligence agency and accused of seeking to revitalize the Taliban movement. The matter is being investigated by the local authorities. United Nations premises were damaged for the fourth time this year when two grenades were thrown into the compound of the office of the United Nations Assistance Mission in Afghanistan (UNAMA) in Gardez. Fortunately, no one was injured. However, international staff and some national staff who do not live in the area had to be temporarily withdrawn to Kabul. This office, located in a critical Pashtun area, has now reopened following the end of Ramadan.

During the reporting period, President Karzai issued a decree to dismiss 20 civil servants, including in the provincial Governments, for corruption or abuse of office. While this important signal of the central Government's intent to reinforce its authority and inculcate good practices throughout the civil service was warmly received by the public, its full implementation has proved difficult. Corruption remains a significant problem, which will require not only time and dedicated leadership before it can be solved, but also economic progress and an improvement in living standards.

A key part of the Government's strategy to assert its authority depends on its ability to raise domestic revenue. The President's decree on corruption also addressed the need for public income to be transferred from the provinces to the national treasury and for customs houses to be reformed. Until now, the central Government has had limited success in gaining control over these important resources.

The commander of the coalition forces in Afghanistan recently briefed UNAMA on plans to deploy teams — referred to as joint regional teams — outside Kabul. The teams would comprise 50 to 70 officers and would work with central and local Government and international actors to assist in various aspects of the reconstruction and recovery process. Mr. Brahimi has indicated that UNAMA would certainly cooperate and coordinate with the teams. It is UNAMA's understanding that the function of the teams will be adjusted in the light of experience on the ground. UNAMA will, of course, report further on its cooperation with the teams as their role in the reconstruction and recovery process is refined.

With respect to the implementation of the Bonn Agreement, members of the Council may recall that the first Judicial Commission was dissolved by President Karzai amid concerns that its membership was not sufficiently independent. A new Judicial Commission was formed on 2 November 2002, comprising nine members, one of whom is a woman. To broaden its representation, the President recently added two members: a second woman and a man from an ethnic minority. Since its inauguration, on 28 November, the new Commission has embarked on its substantive work, and it is now preparing to participate in a pledging conference on the justice sector, which is being organized by the Italian Government in Rome, on 19 and 20 December.

The nine-member Constitutional Drafting Commission was formally inaugurated by the former King, Mohammad Zaher Shah, on 3 November. The members of the Commission, chaired by Vice-President Shahrani, are mostly legal scholars and jurists from a variety of ethnic and regional backgrounds and include two women. The Commission has established three subcommittees, for writing, researching and drafting the constitution.

In preparing the new constitution, the Commission will be guided by the 1964 Constitution, by Islamic principles and by international standards, as well as by Afghan legal traditions. The Commission considers the involvement of Afghan society to be crucial for the quality and the acceptance of the draft constitution as well as for furthering national reconciliation. The United Nations is supporting the work of the Commission by assisting in the establishment of its secretariat.

As members of the Council are aware, the Bonn Agreement calls for elections to be held by June 2004. There are a number of structural issues to solve in order for that complex process to be successfully completed in time. In particular, there are no formal electoral institutions, and there is no law regulating the activities of political parties. UNAMA is therefore exploring, with the Government, the prospect of establishing an electoral commission to define the basic rules and procedures of the electoral process. UNAMA, in close coordination with the Electoral Assistance Division of the United Nations, has met with various interlocutors to ascertain their views on various possible approaches to conducting the elections and to stress the need to start the necessary preparations soon.

If it is established, the Afghan electoral body is expected to undertake consultations with political organizations regarding the decisions to be taken on electoral registration, the electoral calendar and the organization of electoral teams throughout the country. If the elections are to be held by June 2004, the Afghan electoral body will need to be established by early next year.

The Afghan Independent Human Rights Commission has been steadily developing its methods and practices in a joint project — involving UNAMA, the United Nations Development Programme and the Office of the United Nations High Commissioner for Human Rights — that is being implemented in order to support the Commission in its work. The Commission held two workshops in November, with the first on human rights and the media and the second on human rights in constitutions. Modes of cooperation between the Independent Human Rights Commission and UNAMA on human rights investigations are also being further elaborated. The Commission is currently receiving capacity-building assistance from UNAMA and the Office of the High Commissioner for Human Rights in the field of the processing of petitions and complaints.

UNAMA and the Independent Human Rights Commission have jointly looked into the recent demonstrations by students at Kabul University. Those demonstrations, as members will recall, led to clashes with the police in which two students were killed and at least 15 were wounded. Poor living conditions at the university were the apparent source of discontent, though it was also alleged that that discontent had been manipulated and exacerbated by political groups. Investigations are still under way, but a preliminary analysis points towards excessive use of force by the Afghan police. Following the incident, President Karzai immediately established a commission of inquiry.

The Council is also aware of another human rights issue that UNAMA is following: that of the mass graves at Dasht-i-Layli. UNAMA has been investigating reports of alleged serious abuses — including harassment, arbitrary detention, torture and extrajudicial execution — against Afghans who are believed to be in possession of information relating to

the circumstances surrounding the Dasht-i-Leily grave site. Recently, in cooperation with the Independent Human Rights Commission, a UNAMA team met with General Dostum, visited the intelligence detention centre in Shiberghan and obtained the release of two inmates who were being held without charge, apparently because they were witnesses to the events that had taken place at Dasht-i-Leily. A forensic specialist arrived recently to assess technical, financial and security requirements for a full-scale forensic investigation.

The main patterns of reported human rights abuses continue to be intimidation and violence by regional and local commanders against civilians, intimidation and violence against women and persecution of minority groups. UNAMA has verified a number of serious human rights violations. In the north, as I just mentioned, UNAMA has been investigating the alleged intimidation of witnesses and is interceding with the authorities to ensure respect for human rights. UNAMA also recently looked into the situation of discrimination against the Gujurs, an ethnic minority of about 100,000 people who live in the three north-eastern provinces of Takhar, Baghlan and Badakshan and who have been persecuted by local commanders. To help to deal with the problem, UNAMA assisted in the establishment of a local commission, with Government, military and local participation, to address those violations and to take corrective action on complaints.

In Wardak province, UNAMA teams have investigated the recent rocket attacks on four schools for girls that took place near Kabul in late October. Prior to the attacks, teachers had reported that some of their female students had been threatened on their way to school by unknown armed men. Leaflets had been circulated condemning education for girls. Preliminary elements of UNAMA's inquiry point to the possibility that local officials may have been involved in those events.

As indicated by Mr. Brahimi in his last briefing to the Council, UNAMA's relief, recovery and reconstruction pillar has been focusing on the issue of winter preparedness. The Ministry of Rural Rehabilitation and Development has established a winter task force, bringing together the Government, United Nations agencies, bilateral agencies and non-governmental organizations. The goal of the task force is to ensure that the provision of assistance to some 2.2 million highly vulnerable Afghans is effectively coordinated. This vulnerable population, mainly living in the north and the west, and in the central highlands, has been receiving emergency food aid and assistance for shelter during the difficult winter months. Some 44,000 metric tons of food, accounting for about 95 per cent of winter needs, have been pre-positioned throughout the country. The remaining 5 per cent will be distributed to the regions before the end of December. Emergency repairs are also ongoing to keep the Salang tunnel open during the winter season. This is critical in ensuring that the northern and southern parts of Afghanistan remain linked by road and that assistance can be delivered. Donors have made generous contributions to agencies to ensure funding for most of the needs.

While these preparations are ongoing, we recognize the need for continuous monitoring of the scope of winter requirements. The recent death of 10 children at an internally displaced persons camp at Spin Boldak due to a sudden severe drop in temperature tragically illustrates the need for constant vigilance. In that particular case, the Office of the United Nations High Commissioner for Refugees and the Afghan Government are sending additional blankets, clothing, stoves and fuel to the camps at Spin Boldak. More broadly, the United Nations is reviewing its winter preparations in response to reports from a number of provinces that the onset of winter is generating greater than expected demand for winter support.

As was reported in October, the Government's National Development Budget constitutes an important framework for the prioritization of international assistance to Afghanistan. Building on this, the Government and the United Nations family have agreed on joint programme reviews to determine performance indicators and goals to be achieved in order to meet national priorities. An inter-ministerial commission, including the Ministries of Finance, Planning and Reconstruction, as well as relevant line ministries and UNAMA, has reviewed progress achieved in 2002 by United Nations agencies and the strategic priorities for 2003. These meetings were a good example of how the United Nations and the Government can develop innovative ways to ensure that their efforts are mutually supportive.

A similar review process has led to the completion of the 2003 United Nations Transitional Assistance Programme for Afghanistan for the period January 2003 to March 2004. The progress reflects an agreed view of the Afghan Government and the United Nations assistance agencies on the latter's role in responding to national priorities over the next 15 months. The programme goes beyond humanitarian priorities to address underlying causes of the crisis — poverty, debt, environmental degradation and insecurity — as well as urgent recovery and reconstruction priorities. A key objective of the programme is to strengthen the Transitional Administration's capacity to direct the recovery effort at the national and provincial levels. The 2003 programme seeks $815 million, covering the period January 2003 to March 2004, of which $67.5 million is for refugee programmes in Pakistan, Iran and Central Asia. It will be officially launched at the Afghanistan Support Group meeting scheduled to be held in Oslo on 17 and 18 December 2002.

The Government of Afghanistan has continued to implement its crucial currency exchange operation. Although the pace of exchange has been quite high, an estimated 50 per cent of old bank notes remain in circulation. In some provinces, the supply of new afghanis could not be replenished due to logistical difficulties. In other areas, money traders reportedly hoarded the new currency or refused to accept denominations of the old currency. The Government has extended the deadline for exchange until 2 January 2003 to allow the public sufficient time to convert their old afghanis.

In conclusion, I would like to say that the progress that I have reported today is encouraging. It continues to demonstrate the robustness of the Bonn process. At the same time, what has been achieved — and more important, what remains to be achieved — depends on continued improvements in the security situation. The extension of the authority of the central Government, the ability to deliver humanitarian and reconstruction assistance and the protection of human rights are contingent upon a secure environment throughout the country. One year after the Bonn Agreement, the Afghan people and the international community have much to be proud of. But as the Secretary-General and Mr. Brahimi have consistently stated, we have not reached a point where the international community can afford to lapse into a state of complacency.

The President (*spoke in Spanish*): I thank Mr. Annabi for his very useful briefing with respect to this agenda item.

In accordance with the understanding reached in the Council's prior consultations, I invite Council members to hold informal consultations to continue our discussion of the item, following the adjournment of this meeting.

The meeting was adjourned at 10.50 a.m.